

# The Truth About Lie Detectors in Business

By STANLEY KLEIN

The lie detector, once used almost entirely for government security applications and criminal investigations, is being appropriated by more and more businesses as a routine tool for screening employees and job applicants.

Examples of the trend abound:

As a result of an inventory shortage a few years ago, which amounted to \$500,000 worth of diamonds and which allegedly was the work of insiders, Harry Winston, Inc., the Fifth Avenue jewelers, now subjects applicants to lie-detector tests as a condition of employment.

On the walls of Pamida discount department stores in the Middle West are signs warning employees of the concern's use of lie-detector tests in instances of "theft, inventory shortages, dishonesty and other irregularities."

At the Flying Tiger Corporation, job candidates seeking work in the company's air-cargo facilities are given polygraph tests to detect, among other things, those applicants who neglect to report any past claims for workman compensation. Of particular interest are claims for back and neck injuries, which are difficult to detect or check.

On a sampling basis, lie-detector tests are periodically given to employees of the Twin Fair discount department stores in upstate New York and Ohio. This so-called "periodic testing" is in addition to those regularly given to new employees. Twin Fair employs a full-time polygraph specialist on its security staff to administer the tests.

Besides its use as a crime deterrent, polygraph testing is being deployed in industry as a means of verifying all kinds of information that job candidates are asked to supply on standard application forms—drug use, alcoholism, legitimacy of experience claims, medical history and even the seriousness about a job that requires extensive training.

A recent study prepared by the American Civil Liberties Union on the use of the polygraph by private industry notes reasons for its growing popularity: "One of the quickest ways to verify a large amount of information coming from a large number of

applicants is to use a lie detector. Instead of spending all the time and money necessary to independently check every detail of the applicant's background, the employer can simply ask a series of questions and verify the truthfulness of the responses. The savings become greater and greater as increasing mobility makes it harder and harder to trace an applicant's background."

The report, entitled "The Use of Polygraphs as 'Lie Detectors' in Private Industry," was prepared by two Princeton University doctoral candidates, Patricia Brown and Stephen Carlson.

The average lie-detector test costs \$25, compared with more than \$100 for a background check, according to Saul D. Astor, president of Management Safeguards, Inc., a consulting concern that specializes in loss prevention. "As a result," he said, "polygraph examinations have become a routine part of doing business for many corporations of all types and sizes across the country."

Jerome B. Shier, a member of the Queens County District Attorney's crime prevention advisory board, agrees, noting that "the polygraph can save innumerable hours that otherwise would be required in the checking of references."

Essentially, the polygraph is nothing more than an electrical instrument that theoretically measures an individual's emotional reactions indirectly through recordings of involuntary physiological changes that occur under stress. The recordings, polygraph experts claim, can be interpreted by trained examiners for indications of when deception has been attempted.

Testing requires that a subject be "wired up" so that continuous readings can be taken on changes in blood pressure, perspiration and respiration as questions are posed.

Before the machine is turned on, the subject is given a pretest interview during which he is supposed to lose his fear "if he has nothing to hide," explained Lincoln Zorn, president of a polygraph service concern that bears his name. But, if the subject "harbors guilt,"

During the real cross examination, the polygraph examiner intersperses irrelevant questions: "Is your name Fred?" "Is this the month of November?" "Are you wearing black shoes?" These serve as controls intended to generate a baseline on the chart paper that indicate mere nervousness over the test itself.

Then come the important questions. For job prospects, the line of questioning will generally follow the format of the company's standard application form, with some more sensitive questions added: "Have you ever stolen anything from a previous employer?" "Do you believe that employees are justified in taking merchandise that is the property of an employer?"

For existing employees undergoing a routine screening, the questions can take the following form: "Have you been giving any unauthorized discounts to friends or other employees?" "Are you allowing any close friends or relatives through your register?" "Have you deliberately rung up any merchandise in an amount lower than the regular price?"

How a subject responds can determine his fate regarding his initial or his continued employment.

One female employee of Harry Winston, the jewelers, who had been tested following the shrinkage in diamond inventory, said that she minded taking the test. But, she added, "the test was probably necessary, so I was willing to do it."

The woman was particularly disturbed by what she considered "very personal" questions: "Did you ever steal?" "Did you ever cheat?" "Were you ever treated for mental illness?" "Did you get along with your family?"

Another woman recalled that she broke into tears when she underwent a lie-detector test prior to her employment with the Central Intelligence Agency. "It was a terrible experience," she said. Particularly upsetting, she noted, was the question "Have you ever done anything that you were ashamed of?"

The use of lie-detector

eluding some businessmen and security professionals who believe that any recourse to polygraph testing should be confined to instances of significant loss.

The A.C.L.U. study goes even further and sets forth arguments for banning the machine outright as a personnel tool. It argues that the process is "degrading to human dignity," that it goes against the notion that "one is innocent until proven guilty" and that it "forces one into a position of self-incrimination."

The study also finds that any adverse findings "abrogates" a person's rights to confront his accuser and, finally, that the technique represents an "illegal search and seizure of the subject's thoughts, attitudes and beliefs."

On this last point, John Enell, vice president for research of the American Management Association, zeros in on the uneasiness over the use of the polygraph. "People may feel uncomfortable about going through the process even if they are not crooks, because no one can be sure of what they may reveal in the presence of the machine. Everybody has something tucked away in their background that they are not proud of and wish to leave unexposed," he said.

There is, on the other hand, an abundance of documentation showing that the lie detector has been effective in checking internal crime and stemming business loss, even though this may not be justification for universal testing.

"The polygraph sure scares the hell out of the crooks," said Mel Mandell, author of a book on security, "Being Safe." "We're not certain how it works, but people who have things to hide just don't show up to take the exam. It really helps screen out the bad apples."

Typical of this kind of reaction by employees asked to take a polygraph test is the recollection of Lillian Keller, a secretary in a large importing concern in Queens. The company had made its request following an inventory shrinkage amounting to \$45,000 in hardware. Though the company did not carry through with its investigation, Miss Keller said that she had

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agency, deputy director Adm. Rufus Taylor.

In 1969, at 39, Marchetti looked like a comer--dressing a bit less establishment than the pin-stripe CIA dons, and sometimes playing the professional Italian, which was strange, seeing that his ancestors were German-speaking Tyroleans, only Italian by surname—but still promising. “I never thought of Vic as naive,” says an associate from those days. “Vic was smart. Smart and . . . I can’t think of the right word . . . it isn’t ‘devious’ . . .”

Perhaps he only needed a little seasoning. Perhaps he could have risen very high if, like most men in very high places, he learned to relish working not only on the strengths of his convictions or his cynicisms, but on pure animal survival instinct.

Anyhow, Helms had seen it happen to a lot of bright young men. He had seen them go stale, get nervous, get bitter or complacent. Sometimes they quit, like Marchetti. Sometimes they built little bureaucratic fiefdoms for themselves. Sometimes they just waited out their pension time.

It was the kind of sea change that's an occupational hazard in any outfit that demands loyalty bordering on infatuation—the Marine Corps, for instance, or some Ivy League colleges—the kind of organizations whose minions purse their lips and nod their heads every so often and vow that they're “going to write a book about it someday.”

So Marchetti wrote his book about it.

“Listen, I’m no Daniel Ellsberg,” he says now. “I never loved anything in my life so much as the CIA. I was going to be one of these guys who get special dispensations to keep working past retirement age. I wanted to die with my boots on.”

(Between discreet “no comments,” a former supervisor of Marchetti let slip a surprised, “Oh, really?” when Marchetti’s enthusiasm was quoted to him.)

Marchetti was executive assistant to the number-two man in the

# Quitting the CIA

And living to tell about it, more or less

By Henry Allen

You'll never . . . there's no way. . . . you have to be in it to . . . understand.

Victor Marchetti, poor boy from a Pennsylvania mining town, former bright young man of the Central Intelligence Agency executive suite, understands. He spent 14 years with the CIA. Now, he's fighting an agency suit to censor anything else he writes about intelligence. His novel, *The Rope Dancer*, startled old agency friends with its bitterness, and his article in *The Nation* attacked the whole show out there in Langley.

But he still understands—that's something you never lose. He understood, perhaps, on the very moment it all began, one spring night in 1955, when he walked into a hotel room in University Park, Pa. and met the man with two fingers missing from his cigarette hand, one of those old OSS spook types, magnificently diffident, the right schools, the right scars—the recruiter.

Trying to make you understand, Marchetti tells you:

“On the way down in the elevator, afterwards, he put his arm around my shoulders and he said, ‘Marchetti, you’re the kind of guy we’re looking for. You’re not just one of these college boys. You’ve knocked around—Paris, the Army . . .’

“If that guy had given me a gun and told me to go assassinate Khrushchev, I would have left for Moscow right from the hotel lobby.”

But finally, this former bright young man, this spoilt priest of the curia of American intelligence—finally Marchetti shrugs and tells you: “You’ll never . . . there’s no way . . . you have to be in it . . .”

One afternoon in 1969, Marchetti drove home through the monoxide haze of Route 123, and he was crying with the spastic

despair of a man who has lost his faith. It was over.

He had just sat across the desk from Richard Helms, director of the CIA, for the last time, had told him no, he wasn’t moving to another job, but yes, he was working on a spy novel.

It came out in 1971. It was about a poor boy from a Pennsylvania mining town who makes it all the way up to executive assistant to the deputy director of the National Intelligence Agency, and then, for no apparent reason, starts selling the Soviets every secret he can xerox, photograph or tape-record.

Helms had noted Marchetti’s steady rise from a year of clandestine field work to the analysis desks of the Intelligence Directorate, to a slot on the national estimates staff, which measures military and political potentials of other countries; then up to the executive suite to be the “token dago” as Marchetti puts it, of the 14 men who attended morning coffee every weekday at 9. They were all “spooks,” Marchetti recalls, meaning that the inner circle that runs the CIA is not composed of the sort of tidy intellectuals who could spend 20 years studying Kurdish newspapers down in the directorate, but of the guys who savor the spook game for the game’s sake—everything from locking the typewriter ribbons up at night to running airlines in, say, South America; everything from “termination with extreme prejudice,” which is what the CIA calls assassination, to the toppling of a particularly aggravating Middle Eastern regime.

Marchetti was executive assistant to the number-two man in the

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## Can Detector Lie?

Lie detectors frequently are resorted to in weeding out suspects in major crimes. Are such tests dependable?

What the lie detector measures is emotional responses to questions, and some of the worst people have no guilt or shame to be measured. When the CIA some years ago was reported to depend on lie detector tests in evaluating job applicants, one expert said it was misled.

One of the things the CIA was interested in was the sex life of potential employees. Homosexuals were considered

bad job risks, for example, because of their susceptibility to blackmail. But, said the expert, the homosexual doesn't feel guilty about his sex life and may actually be proud of it. Others, with no deep feelings about anything, can similarly get by with flying colors.

That left the normal, all-American type of virile young man, who was embarrassed by questions. That led to official suspicion and ultimate rejection of the very people who would have been best on the job.

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# Bugging Suspects Tied to Photo Shop Employee

Cuban Exile Says He Was Involved in Anti-Castro Work With Barker, Sturgis

BY JACK NELSON

Times Staff Writer

MIAMI--Two suspects in the Democratic National Committee bugging case who arranged for the processing of film--allegedly of Democratic documents--at a photo shop here have been associated in anti-Castro activities with an employee of the shop.

The employee, Jenaro Perez, 36, told newsmen and a state attorney's investigator that Bernard L. Barker and Frank Sturgis were long-time acquaintances of his. Like him, they are Cuban-born Miamians who have worked in the past with the Central Intelligence Agency and they were all involved in anti-Castro activities.

#### Denies Testimony

But Perez denied sworn testimony by the operator of the photo shop, Michael Richardson, that Barker and Sturgis went to the shop on June 10 and arranged for Richardson to process 38 closeup shots of Democratic committee documents.

Perez, like Richardson, gave sworn testimony behind closed doors to Martin Dardis, chief investigator for State Atty. Richard E. Gerstein.

In the hallway afterwards, Dardis indicated dissatisfaction with Perez's answers and discussed the possibility of giving him a polygraph test. Dardis said Richardson had willingly taken such a test and "passed it with flying colors."

Perez, smiling at a reporter standing nearby, said, "I will take the lie detector test but I will tell the truth." The CIA taught (sic) me how to do it."

Perez added, however, that he would consult an attorney before deciding whether to go ahead with the test.

He told a reporter: "Only a stupid person would take film like that to a commercial shop to be developed and printed. And I know Frank and he is pretty smart, too smart to do it."

The lanky Cuban said he had been involved in anti-Castro activities since 1959 and was employed by the CIA in 1964 and 1965.

Richardson, meanwhile, insisted in an interview that both Barker and Sturgis were in his shop a week before they and three other suspects, all wearing surgical gloves, were caught while trying to bug the Democratic offices in Washington. He said he had never met the suspects but recognized them from news photographs after their arrest.

The film he processed, he said, showed two pairs of hands wearing surgical gloves, and holding documents bearing Democratic National Committee letterheads.

Richardson, a Republican, said: "I didn't know whether there was anything illegal about it at the time, but when I saw the photos and the news story I put everything together."

#### Shakedown Charge

Richardson emphatically denied a charge by Henry B. Rothblatt, a New York attorney representing Barker and Sturgis, that he had tried to "shake

thorities.

Richardson said he had never talked to Barker or Sturgis or to any of their representatives before or since the June 10 transaction.

He also disclosed that on the day he saw the news photos he went to the FBI office in Miami and talked with an agent about the transaction.

He said that two or three weeks later two agents went to the shop to question him again about the description of an unidentified man he said had accompanied Barker and Sturgis to the shop after the film had been processed.

Richardson said that although one agent told him that he might be called to testify in Washington on the case, he had heard nothing further from the federal government on the matter. A federal grand jury in Washington currently is investigating the case.

The Miami Herald, meanwhile, reported that in the early stages of the politically sensitive case, "without any direction from Washington, the Miami office of the FBI ran a full investigation." But in July, the Herald added, "the Justice Department in Washington cooled the Miami FBI investigation, assigning leads to be pursued on a request basis only."

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Approved For Release 2001/03/04 : CIA-RDP80-01

# Consequences

Once the glamour tool of murder mysteries, the lie detector is moving into every phase of American life. And that could present problems — even for an Honest Abe

By Colin Dangaard

Lincoln Zonn, the first man in history to make a million dollars with a lie detector, was more than confident he would find the missing \$1,000. There were nine tellers, nine booths and outside security was good.

Carefully, he hooked each teller to a polygraph and, amongst others, asked the question, "Have you taken money from any customers at this bank?" All replied, "No." But changes in heartbeat, respiration pattern and perspiration level showed the head teller answered with difficulty.

Zonn ran what he calls a "peak of tension test;" he multiplied, in units of five, the amount of money alleged stolen.

At \$20,000 the head teller was still experiencing stress with the denial. The reaction remained right up to \$90,000 — but stopped suddenly at \$95,000. Zonn called the president of the bank and said, "I think you're missing somewhere between \$90,000 and \$95,000."

"Impossible," said the president. "We ran an audit on all accounts. All but the dormant accounts that haven't been used in 10 years or more . . ."

An audit of the dormant accounts, however, turned up a shortage of \$92,000.

"There are two things I've got to tell you," said Zonn to the head teller. "First, you failed your test. Second, the bank is missing \$92,000." The teller reached in his pocket, pulled out a slip of paper and said, "To be exact — \$92,543."

Later, Zonn heard the full story. The teller had stolen the money and ran it up to half-a-million dollars on the stock exchange. He agreed to pay back all he owed, plus interest at the highest rate, making a total check of \$300,000 on the condition that he was not fired or prosecuted.

The president, a man with a quick eye for profit, agreed. The next day he moved the teller from his window post to the position he holds in the same Massachusetts bank to this day: Investment counselor.

The files of Lincoln Zonn, who founded the world's largest polygraph company 15 years ago with \$35, bulge with such anecdotes. He has personally conducted over 35,000 tests, and taken over 200 himself.

"I've never beaten the instrument," he says, sitting in a plush office where the motif is black and white. "But I've no doubt some people have. The polygraph is designed to show what people believe — not what the truth is. Give me somebody who honestly believes he is Napoleon, and I'll prove he is with a lie-detector test."

Zonn, head of the multimillion-dollar company that bears his name, is moving into Dade County as the polygraph moves deeper into the American way of life, with over 2,000 of the machines now monitoring guilty hearts and sweaty palms across the nation.

With pilferage levels rising everywhere like mercury in August, department stores from Tiffany's to Kwik Chek are calling on the polygraph to help screen employees. More and more judges are letting it through the back door of their courts, if not the front, and banks have been using it as a matter of course for decades. The FBI resorted to polygraph recently to track down "news leaks" in the State Department and, in Dade County, it has become a prerequisite for employment with the City of Miami, despite vehement objections from the American Civil Liberties Union. In New York, polygraph expert Clive Backster is busy using

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Approved For Release 2001/03/04 : CIA-RDP80-01801R000200140001-7

Approved For Release 2001/03/04 : CIA RDP80-01601R0

# The Federal Government: Top Psyche Snoop?

In the name of 'national security,' thousands of employees and applicants are probed annually in regard to the most intimate details of their lives.

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♦ DO YOU BELIEVE in God? Do you love your other? How frequently do you urinate? Do you have satisfactory sex relations? Those are questions that most people consider highly personal and private, questions strangers have no business asking. But they are precisely the kind of questions that will be put to you if you happen to work for the federal government, and answering them is part of the price you pay for a job that promises security and regular promotions.

It is not generally known that Washington hires thousands of psychologists to investigate every nook and cranny of the employee's thoughts and attitudes. The assumption is that his answers to questions regarding attitudes on sex, religion and family life reveal whether the individual is "normal" or "deviate" and determine his "suitability for employment." Hence, in the name of "national security," thousands of employees and applicants are probed annually on the most intimate details of their lives. They are asked to "be truthful with the government" about things they would not disclose to their best friends. But, to ensure truthfulness, they are strapped to lie detectors and subjected to a whole battery of psychological tests. Not only is such a psyche probe humiliating. Since it strips the person of all his secrets, it shatters his dignity.

## *Harnessed to a Polygraph*

Recently, a young college graduate applying for a job with the National Security Agency (NSA) was asked, while harnessed to a polygraph, to answer the following among other questions:

When was the first time you had sexual relations with a woman?

Have you ever engaged in sexual activity with an animal?

When was the first time you had sexual intercourse with your wife?

Did you have sexual intercourse with her before marriage? How many times?

And an 18-year-old college sophomore applying for a summer job as secretary was questioned on the details of her relationship with her boyfriend. For example: "Did he abuse you? Did he do anything

unnatural to you? You didn't get pregnant, did you? There's kissing, and petting, and intercourse; and after that, did he force you to do anything to him or did he do anything to you?"

Approximately 20,000 lie-detector tests are given annually in 19 federal agencies. The defense department alone administers some 12,000 such tests per year. The NSA and the CIA are exempt from furnishing statistics, but they are rumored to give about 9,000. Presumably, the results of the tests remain confidential. But there is much evidence to the contrary. A woman employee of the defense department, already cleared to handle military secrets, was due for a promotion. But rather than take a lie-detector test she passed up the chance, because she had heard that the polygraph operators were notorious gossips about their subjects' reactions to questions on intimate sexual matters. It seems indeed that an applicant's or employee's results follow him for the rest of his career. For instance, a young Vietnam veteran, seeking a job in federal law enforcement, was asked in the course of his test to describe his life in Vietnam, including the names of all of the girls with whom he had had sexual relations. He did not take the job. Later on, however, he applied for work with the Washington metropolitan police force — and was turned down. Among the reasons given by an official was the lie-detector test he had taken earlier. He then applied to the interior department's park service, which tested him extensively. But again the original test caught up with him; he was asked questions based on it. In the end he was refused a job. The department, he was told, had "too much information on him."

Polygraph tests in the federal government are generally administered by polygraph technicians rather than by trained psychologists. Not without cause, it is widely believed that these technicians enjoy a high degree of professional rapport and share confidences with each other. As for strictly psychological tests, the Civil Service Commission forbids inquiries into the intimate life of employees. But a loophole in the commission's directive permits

Approved For Release 2001/03/04 : CIA RDP80-01601R00020014000107

Ms. Eggerz, a native of Iceland, is a Washington-based free lance writer.

a medical examination. It is rumored that government agencies frequently send employees they intend to retire

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# Jailed Killer Weaves Exotic Alibi

By Paul W. Valentine  
Washington Post Staff Writer

Walter Lee Parman, the sad-faced Minnesota drifter convicted in the mutilation murder of a State Department secretary here seven years ago, now claims he and the woman were ensnared in a dark tangle of secret government missions and undercover work.

Parman's story—complete with names, dates, phone numbers and at least two verifiable CIA contacts—describes in detail a shadowy sequence of covert meetings and instructions through double and triple blinds leading to his first and only assignment here in early January, 1965, as a courier of false passports and other papers.

If true, the story could also set a new stage for Parman's continuing claim of innocence in the death of Shirley Ann Cary, the stout, dark haired, 32-year-old State Department secretary found strangled, nude and mutilated in a Northwest alley the morning of Jan. 9, 1965.

The detail, elaboration and exactness of many of Parman's claims are balanced against what his prison psychologist calls Parman's history as an "almost brilliant pathological liar." It must also be measured against the judgment of a former high ranking CIA professional that Parman's story "has an amateur ring to it."

Yet both the psychologist, Dr. Frederic de Aboitiz, and the former CIA official, Victor L. Marchetti, say the whole thing could have happened.

"Anything is possible in the intelligence world," says Marchetti.

"Even pathological liars tell the truth," says de Aboitiz.

Parman, 38, was convicted of the murder on June 16, 1966, and sentenced to life imprisonment. He is now at Lorton Correctional Complex 20 miles south of Washington.

There were no known witnesses to the murder. Police and FBI developed an elaborate web of circumstantial evidence—fingerprints, blood traces, clothing—which led to Parman's arrest in Los Angeles three weeks after the crime and his conviction 17 months after that.

He appealed unsuccessfully to both the U.S. Court of Appeals and the Supreme Court in 1967 and 1968. He is continuing to attack the conviction today through a form of habeas corpus procedure but has no attorney and is representing himself.

Prosecutors claimed Parman drifted into Washington at the end of 1964, picked up Shirley Ann Cary, and another State Department secretary, Lu-

cille Kitterman, at the Hi-Hat Cocktail Lounge in the Ambassador Hotel at 14th and K Streets NW, on the evening of Jan. 8, 1965.

After a long night of drinking and general revelry, prosecutors said, Miss Kitterman went home and Parman lured Miss Cary to his Dupont Circle apartment.

There, when she ridiculed his sexual advances, a sudden uncontrollable rage was triggered in Parman, prosecutors claimed. He ripped off the woman's clothes, garrotted her with a rope, bit her savagely about the body, then dumped her corpse in an alley off the 3800 block of Garfield Street NW before fleeing to California, prosecutors said.

When the prosecution rested, defense attorneys introduced an unexpected and dramatic "truth serum" tape recording of Parman confessing the murder—a trial strategy calculated to convince the jury that Parman was, after all, insane. Groaning and weeping under the influence of sodium pentothal injected by a psychiatrist, Parman described the killing in minute detail. The jury, however, refused to find him not guilty by reason of insanity and convicted him.

Parman has since claimed that he faked the confession and has offered to undergo another sodium pentothal test to prove he can do it.

(Parman has an I.Q. of 130, far above average. Combined with his keen memory, rich imagination and mastery at masking his emotions, it is possible he could fabricate to a limited extent under sodium pentothal, his prison psychologist says.)

Parman says he falsified the confession at his 1966 trial because he felt it was the only way he could beat the murder charge. He says he never told his attorneys about his clandestine relationship with Shirley Ann Cary and the circumstances surrounding it because he feared no one would believe him and there might be unspecified reprisals against him if he went "public."

He says he now wants to take that step.

His story—given to this reporter along with many of his private papers, letters and a written waiver of any confidential relationship he had with his attorneys, psychologists and psychiatrists—is woven into the original police ac-

count in an intricate pattern, and at times the two are identical.

Parman's account begins with the summer of 1964, when he was an employee of Airmac, a Minneapolis aircraft parts manufacturing firm. As a member of Local 1313 of the International Association of Machinists (IAM) at Airmac, he was selected to attend a one-week IAM-sponsored summer school in union leadership training at the University of Wisconsin in Madison.

There, he says he joined a rump group of five or six "rebels" who broke from the main class of 76 union members and began holding secret sessions in which they discussed local union takeover tactics, industrial espionage and the theft of airplane plans.

The leader of the rebel group, he said, was a man known to him only as "Red" who was president of the McDonnell-Douglas Aircraft Corp. local in St. Louis, Mo.

Vowing to keep in touch thereafter, Parman said, the group called itself the "Friends of Heidelberg," and each member received a small gold lapel pin, replica of what Parman called the "Heidelberg Gate" as a secret identifying sign.

Parman said he returned to Minneapolis and in November, 1964, received a call from Hollgate Young, then education associate for IAM headquarters in Washington, telling him to prepare to come to Washington on an undisclosed assignment. Young had not participated in the rump group meetings the preceding summer, Parman said, but his name was often mentioned as though he were part of the apparatus.

Young told Parman he would receive more specific instructions on his Washington assignment from a man named Robert L. Gales at Minneapolis phone number 335-0811, Parman said.

A few days later, Gales called Parman, told him to report to Washington by Jan. 20, named Dolores Griedel for

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Newsweek

22 November 1971

Approved For Release 2001/03/04 : CIA-RDP80

No. 47-126 22 Nov 71 50 cents

NEWSWEEK

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Approved For Release 2001/03/04 : CIA-RDP80

## Lie Detector's Use By Industry Rises; Rights Peril Feared

By BEN A. FRANKLIN  
Special to The New York Times

WASHINGTON, Nov. 21.—The lie detector, a device known to millions of readers of *Dick Tracy* as an implacable breaker of hardened criminals, is quietly coming into far wider use as a "truth-telling" informant in the world of ordinary sinners.

In a decade of rising crime, corporate and insurance company losses from embezzlement, pilfering and outright theft by employees in retail sales, warehousing and delivery services have soared steadily to \$10-million a day — more than \$3-billion a year — according to the Insurance Information Institute. The losses are greater than those from conventional robbery and burglary together.

More and more, employers have been striking back, trying to weed out dishonest workers by forcing employees to take — and pass — lie detector tests, either as a consideration of continued employment or as a process.

About 200,000 persons in private employment — not counting thousands of others in Federal, state and local government — will be subjected to lie detector, or polygraph examinations this year, according to one informed estimate. Many will fail, although how many will probably never be known. "Discretion," a self-imposed rule of secrecy, veils much of the polygraph industry's impact.

But the spread of commercial lie detector testing — polygraphists call it a "detection of deception" system that gives employees "a moral vaccination" against dishonesty — has begun to generate substantial opposition as an invasion of privacy and a violation of the constitutional guarantee against self-incrimination.

### Industry Still Confident

In recent years 12 states and three cities, acting under pressure from labor unions, have restricted or outlawed lie detection in routine corporate personnel screening. The tests, never acceptable in court, have been repudiated by the Federal Bureau of Investigation. And a

measure to prohibit their use nationally is pending in Congress.

Nonetheless, the lie detector industry remains confident that many more profitable years lie ahead — the examinations bring in \$50 an hour — and that the demand for its services will continue to grow faster than the opposition.

The Insurance Information Institute estimates, for example, that the annual cost of employee stealing and cheating will double to \$6-billion in the next decade, reason enough, partisans of the polygraph say, for their business to double too.

Many polygraph practitioners — there are 4,000 to 5,000 in the industry — believe their technique is a bastion of honesty amid a decaying morality. "There comes a time," says J. Kirk Barefoot, a leading polygraphist and former president of the American Polygraph Association, "when your privacy and mine has to be weighed against a company being stolen blind and put out of business."

Their opponents feel, however, that the polygraphists are only adding to the confusion. They point to technical studies asserting that the lie detector technique is scientifically flawed. And they trace its acceptance to a self-perpetuating circle: belief in the machine's efficacy induces confessions; a high rate of confessions induces belief in the machine's efficacy.

### Confessions as Confirmation

The success of the polygraph industry in obtaining employee confessions is its chief selling point among pragmatic busi-

nessmen who regard the outpourings of guilt as confirmation that the system works. According to John E. Reid, the head of a leading Chicago polygraph company, "We get better results than a priest does."

How the process operates, and what its impact on an ordinary individual can be, is shown by the case of Stanley Brundage, a composite person put together for this profile to protect the privacy of the four real persons from whose real polygraph histories he is drawn. Company names in the episode are fictional.

Picture Mr. Brundage as a 25-year-old vending machine service man who married on his return from Vietnam a year and a half ago and now is the father of a year-old son. His brush with the polygraph came this year when he applied for a job with U-Vend-It, a competitor of Automatix, Inc., for which he had been working as a route man for the last seven months.

The new job would have brought him \$10 a week more routine test as a job applicant than the \$182 a week he had been earning at Automatix. At his sex life, nearly all of them acknowledged that such questions are asked fairly widely.

In Mr. Brundage's case, the charges against him in Vietnam had involved an alleged rape, and the subject of sex was opened up. He has always maintained his innocence.

His confession began when the examiner informed him that he had shown "sensitivity" on the polygraph chart — a suppression and recovery of respiration, an increase in blood pressure and pulse, and an increase in galvanic skin response, a measure of a minute electrical current at the fingertips that rises with increased perspiration — to the question: "Have you ever taken money, merchandise or property from any employer?"

Advising Mr. Brundage to "think about" this finding while he left the polygraph room to "consult a supervisor," the examiner returned to find Mr. Brundage, as the young man recalls it, "prepared to tell him anything he wanted to know — and maybe more. I felt like a very bad guy".

Mr. Brundage was not hired by U-Vend-It. Moreover, Automatix had recently signed an applicant screening contract with the same polygraph agency, the largest in the city, and the "not recommended" rating noted on Mr. Brundage's permanent file card at Confidential Personnel Services surfaced on its first routine sweep of names on Automatix's payroll.

### Scope of Commercial Testing

Although the polygraph examiner did not disclose details of Mr. Brundage's test or his confession — either would have been a breach of ethics under the code of the American Polygraph Association — the examiner suggested that Automatix "talk to" Mr. Brundage about his test. Mr. Brundage partially confessed again and was dismissed.

Across the country this year similar episodes are shocking the lives of countless persons in commercial employment.

Some idea of the scope of this nongovernmental, nonpolice polygraph activity can be gained by comparing it with current estimates that the lie detector tests given by Federal agencies number about one-tenth of those conducted for businesses by private practitioners.

There are no recent Federal figures, but a detailed study seven years ago by the House Government Operations Com-

### Questions About Sex

There are no recent Federal figures, but a detailed study seven years ago by the House Government Operations Com-

CHICAGO, ILL.  
NEWS

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Dimension

You may be more diffident with your defenbachia once you've heard Cleve Backster's "Evidence of Primary Perception in Plant Life." He'll give the free, public lecture Wednesday at 8 p.m. in McCormick Auditorium of the Science Center on Lake Forest College's middle campus. Backster is a controversial figure in scientific circles; his credentials include experience instituting a polygraph examination program in association with the Central Intelligence Agency and running a school and research foundation for polygraph usage. To find the middle campus, exit from U.S. 41 on Deerpath and drive east to Sheridan, then south one block to the entrance.

# New Bug-Killer Developed to Foil Secret Telephonic Super-Snooper

By Ronald Kessler

Washington Post Staff Writer

A group of former military intelligence wiretap experts say they have developed a method of countering a still-classified bugging device that transforms any telephone into an open transmitting microphone. Even the name of the recently publicized bugging device is classified, they said, and declined to reveal it.

The experts, who say they have worked with the Central Intelligence Agency and Federal Bureau of Investigation on electronic surveillance, said the secret device was developed by government intelligence agencies more than 10 years ago, and they described as accurate a Washington Post story last Friday disclosing the existence of the device.

What is unique about the device, the story quoted Clyde Wallace, a manufacturer of bugging equipment, as saying, is that it bugs and taps from remote locations without the need to physically enter the premises and install any listening equipment.

Wiretapping is interception of telephone calls, while bugging is surreptitious eavesdropping on room conversations with the help of electronic aids.

The device, Wallace told a group of federal law enforcement and security investigators, can be placed anywhere on a telephone line, on a telephone pole, inside a cable vault, or in telephone company switching offices. Or it can be connected to leased lines that permit monitoring of conversations from secret rooms.

The device places a radio frequency wave on the line. The wave activates a switch in the telephone to be bugged, permitting sound waves from the room where the phone is installed to be transmitted down the telephone line from the telephone mouthpiece, even when the hook.

According to Wallace, two federal agencies are already using the device. Both the CIA and FBI declined to comment last week on whether they are the agencies.

The former military intelligence experts, who have formed a company to manufacture bugging and debugging equipment, said the countermeasure they have developed against the secret bug has been tested on it and is effective, although they said they do not currently have the bug in their offices.

The company, formed last June, is Dektor Counterintelligence and Security, Inc., in Springfield. Four of its officers have extensive backgrounds in installing and detecting bugs and taps in the military. One of the officers, Arnold E. Preston, was a senior instructor and researcher in telephone countermeasures at the Army Intelligence School at Ft. Holabird, until he joined the company last spring.

Allan D. Bell Jr., president of Dektor and holder of more than half its stock, retired in 1968 as a lieutenant colonel after 15 years in military intelligence and counterintelligence, including work on security matters in the office of the Secretary of Defense.

On his resume, Bell, 44, lists 12 military decorations and awards, 37 publications on intelligence and security, and 11 James Bond-like inventions given to military intelligence, including concealed lock-picking equipment and vehicle surveillance devices.

One invention Bell, through his company, is marketing is a device to detect lies by electronically measuring the voice of the subject as he tells a lie. The device would permit checks on truth or falsehood without the knowledge or permission of the subject.

Bell and his colleagues left military intelligence, they say, because of frustration with what they call the following of their bugging and debugging discoveries.

Bell wouldn't say how frequently the government may use the secret bugging device or whether even more sophisticated devices have been developed.

"My career through the years has been keeping my mouth shut," Bell, smiling, said.

Eavesdroppers do not necessarily use the most sophisticated devices available, Bell said. "When a person goes on a bugging job, his choice of devices is based on such factors as importance of clarity, amount of time the bug will be in use, need for undetectability, and the accessibility of the area," he said.

If a room can be entered to install a bug, it generally will be, Bell said, for the sake of clarity. One of the best places to do the bugging is in a telephone, because it is usually in a central location for the clearest pick up of conversation and comes equipped with its own power and wires leading outside.

By bugging a phone, the eavesdropper can intercept both telephone calls and room conversations. The most "interesting" conversations, Bell said, are those that occur within five minutes after the subject has finished a telephone call. During this time, Bell said, he may tell an associate or a secretary what he really thought of the person he was talking with.

There are about 12 ways to bug a phone, most of them requiring some alteration of the instrument itself. Some can only be detected by taking x-rays of the phone, Bell said.

Bell said any of the methods including the secret bugging device that does not require alteration of the phone can be foiled with Dektor's Telephone Security Device, a neat box that fits under the telephone.

What it does is quite simple. It disconnects the phone and stops all signals in it.

Many security agencies instruct employees in sensitive jobs to manually unplug their telephones from wall jacks when they are not in use, Bell said. A separate bell signals the user that he has a call, and he then connects the phone.

There is a problem with this clumsy method, Bell said: The bell itself can be used as a bug.

What happens, he explained, is that the wires coiled around the field of a permanent magnet in the bell vibrate when sound waves strike them, and these vibrations can be transmitted down the telephone wire to create an effective bug.

The Dektor device, which costs \$100 for a single line-telephone and \$477 for a five-line model, eliminates this problem, Bell said, by supplying independent electrical current--rather than telephone system current--to the bell, cutting off any connection between the bell and the telephone line. The bell is activated by a light rather than an electrical switch, eliminating the possibility that the switch could be bypassed with radio waves, Bell added.

The device cuts off the remaining telephone connections both physically, with a switch, and electrically, by short-circuiting all 50 separate connections that are housed in a five-line telephone.

The security device does nothing to prevent eavesdropping while the telephone is being used, Bell said. There are only two ways to prevent interception of the call itself: foregoing telephone calls, and using expensive scramblers on both ends of the conversation, he said.

1 OCT 1971 STATINTL

# Letters To The Editor

## Mr. Hoover on Polygraph Use and Another Letter on Its Effectiveness

My attention has been called to an article entitled "FBI Uses Lie Tests in Probe of Leaks at State" by Murray Marder in the September 3, 1971, issue of The Washington Post and a column, "Extracting the Truth: Tea Leaves or Polygraph Tests?", by Alan Barth on September 7, 1971. Both of these items categorically assert that the FBI used polygraphs during an investigation of alleged "leaks" of confidential information at the Department of State.

These statements by Messrs. Marder and Barth that the FBI used polygraphs in this investigation are totally and completely untrue.

For the information of your readers, the Department of Justice on July 30, 1971, instructed the FBI to conduct a complete investigation, which entailed some interviews at the Department of State, with regard to alleged unauthorized disclosure of classified information as a potential violation of the espionage laws. We immediately instituted an investigation in compliance with the Department of Justice's instructions. However, at no time did the FBI use polygraphs, as alleged, in its investigation.

Surely, it is in the interest of responsible journalism that the basic facts be accurately and honestly reported. This inept handling of information betrays the sincere desire of your readers for a factual knowledge of the news of the day.

J. EDGAR HOOVER,  
Director, Federal Bureau of Investigation,  
Washington.

The American Polygraph Association takes strong exception to both the tone and content of the article by Alan Barth on the editorial page of The Post on September 7.

We are disappointed that a paper of the stature of The Post saw fit to dignify with publication the compendium of half truths, untruths, and rather sophomoric sarcasm represented by Mr. Barth's article. We are perhaps naive, knowing that The Post has never been a believer in the polygraph but we assert our profound conviction that you should require factual accuracy, even from writers on your opinion pages.

Mr. Barth closes with the comment that a polygraph test is so insulting, so demeaning, and so humiliating, that anyone who would either administer or submit to such an examination is unfit to represent the United States. Despite his assertion that this can be taken for granted, the APA believes that such strong statements should require some modicum of proof. Exactly why a person is humiliated, demeaned, and insulted by being given an opportunity to establish his innocence of serious charges is beyond our comprehension.

Mr. Barth apparently delights in esoteric knowledge of various forms of ordeal but conveniently ignores the fact that it was just because of such methods of soothsaying that the polygraph was developed. We of the APA would rather stake judgment of our veracity upon the objective analysis of a set of polygraph charts than upon the swirl of tea leaves, even when stirred by a person of

such perception and sensitivity as Mr. Barth.

We find ourselves troubled by vicious attacks such as those by Mr. Barth, because nowhere does he set forth a system to replace the one which he is attacking. He apparently is establishing a new constitutional privilege: The right to lie with impunity. Mr. Barth and others of his ilk would bar effective investigation, would bar psychological testing, would bar polygraph examinations, and would, in general, bar any means thus far developed for getting at truth in matters of controversy.

It is a fact, for example, that even detractors of polygraph testing concede minimal accuracy of the technique to be in the 70 per cent range. Other scientists of impeccable credentials, which far exceed those of the APA and certainly Mr. Barth, have established accuracy of the technique in the 90 per cent range. With all due modesty the APA believes that this may even exceed the accuracy of journalistic reporting.

The recent statement by the Secretary of State that he believes the polygraph can be effective in clearing the innocent but not in identifying the guilty, though somewhat paradoxical, is acceptable to the APA. We have always believed that the greatest service our members can perform is that of assisting persons who are falsely accused in establishing their innocence.

RAYMOND J. WEIR JR.  
President-elect,  
American Polygraph Association.

Washington.

1 OCT 1971

STATINTL

E.Y.I.

From time to time the question is asked why newspapers never seem to get anything right and one answer, of course, is that we try, but that we are only human. Another answer, however—and a better one—is that in the complex and delicate interworkings of the press and the government it takes at least a little cooperation by the government if the public is to get a version of events which can properly be said to be right. As a case in point, we would like, strictly For Your Information, to walk you through a brief case history involving a news story on Page One of The Washington Post, on Sept. 3, and a subsequent article on this page on Sept. 8, both of which asserted that the Federal Bureau of Investigation had employed lie detector (polygraph) tests in an investigation of State Department employees. The original story said three or four officials were interrogated in this fashion as part of a government-wide inquiry into a leak of classified information having to do with the American position in the SALT negotiations. Today, in the letters space on the opposite page, FBI Director Hoover states categorically that both stories were "totally and completely untrue" and that "at no time did the FBI use polygraphs, as alleged, in its investigation." He takes us sharply to task for "this inept handling of information."

Well, we have looked into the matter and it is clear that we were wrong about the FBI's use of lie detectors. We are pleased to have this opportunity to express our regrets to Mr. Hoover and to set the record straight. But we are not prepared to leave it at that, if only because the implication of Mr. Hoover's sweeping denial ("totally and completely untrue") is that the original story was entirely wrong—that no polygraphs in fact were used upon State Department employees — and this is clearly not the case. Nor is it quite so certain whose handling of this information was "inept." The facts are, from all we can gather, that polygraph tests were administered to State Department officials by employees, and with equipment belonging to an outside agency—presumably the Central Intelligence Agency which has these instruments avail-

able for regular use in security checks of its own personnel.

In other words, we had the wrong agency, which is an important error and one we would have been happy to correct immediately, before it had been compounded in the subsequent article on Sept. 8, if somebody in the government had chosen to speak up. But the FBI was silent until Mr. Hoover's letter arrived 10 days later, and Secretary of State Rogers, who was asked about the story at a press conference on Sept. 3 in a half-dozen different ways, adroitly avoided a yes-or-no answer every time. That is to say, he did not confirm the role of the FBI, but neither did he deny it; he simply refused to discuss methods, while upholding the utility of lie-detector tests in establishing probable innocence, if not probable guilt. And that remains the State Department's position, even in the face of Mr. Hoover's denial. No clarification, no confirmation, no comment—despite the fact that the original story in The Post had been checked with the State Department and the role of the FBI had been confirmed by an official spokesman on those familiar anonymous, not-for-attribution terms which government officials resort to when they don't want to take responsibility publicly for what they say, and which newspaper reporters yield to when there is no other way to attribute assertions of fact.

The result of this protracted slim-slam was, first of all, to leave the Justice Department and the FBI falsely accused of administering lie detectors to officials of another agency, and then, with Mr. Hoover's denial, to leave the impression that no polygraphs were used at all, and you have to ask yourself what public interest is served by having this sort of misinformation circulating around, gathering credence. It is not an uncommon practice, of course, for the government, when it is confronted in print with an embarrassing and not altogether accurate news story, to clam up completely rather than help straighten out inaccuracies — especially when clarification risks confirmation of that part of the story which is accurate. But it is not a practice that does much to further public knowledge. And still less does it help the newspapers get things right.

# Keeping Secrets

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The President refused, August 31, to give Senator Fulbright's Foreign Relations Committee a copy of the Pentagon's five-year foreign military assistance plan, citing "executive privilege" as his reason. Two days later it was reported, and then partially confirmed in Secretary Rogers' press conference, that news leaks out of the State Department were being investigated with lie-detector tests given to "high-ranking" department officials. These two incidents may have been totally unrelated, and their timing fortuitous. Or they may represent a deliberate tightening on all fronts of the administration's treatment of "official secrets," maybe even a considered response to the Supreme Court's Pentagon Papers decision.

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The Court's ruling that no judicial decree may constitutionally prevent the publication of a news story or copy of a government document leaked to the press can be taken as teaching the virtue of self-reliance. The Court said, in essence, that under existing statutes once a government secret is out, the First Amendment makes it public property and forbids its censorship or suppression. So the sole line of defense for official secrets is control by the executive departments of their own personnel and confidential material.

Hard-nosed investigation of State Department leaks is plainly one way of deterring unwanted disclosures. Secretary Rogers -- apparently tutored by the opinions of some Supreme Court Justices who indicated, in lengthy asides, that they saw no constitutional difficulty in after-the-fact criminal prosecutions of those who disclosed top-secret information -- asked reporters, at his press conference, with shocked innocence, "Is there anything wrong with investigating a crime when it occurs?" It seems that a *New York Times* article in mid-July had given details of secret bargaining positions taken by US negotiators at the SALT talks, and, according to the secretary, several executive departments then applied for an FBI investigation "to find out whether a crime was committed and who committed it." (The Espionage Act of 1917 -- used to indict Daniel Ellsberg and much cited in the Pentagon Papers case -- makes it a crime to disclose defense information which could be used "to the injury of the United States.") Mr. Rogers announced that he was satisfied from the results that there had been no violation, but the first *Times* story on the FBI's efforts reported, significantly, that previously available State Department officials had recently taken to not answering newsmen's telephone calls.

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Could Mr. Rogers -- a former attorney general and lawyer with a successful private practice -- really have been unaware that the prospect of a visit from an FBI agent carrying a polygraph machine would make a foreign service officer reluctant to chat with a reporter even on subjects whose disclosure is not remotely criminal? Brandishing the threat of criminal investigation and prosecution over the heads of the foreign service -- a group never noted for independence or daring -- equals in subtlety the administration's

LOS ANGELES, CAL.

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Approved For Release 2001/03/04 : CIA-RDP80A1601R000200140001-7

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# Pressure Mounting to Crack Walls of Secrecy in the Executive Branch

BY D. J. R. BRUCKNER

NEW YORK—There may be nothing more behind the Administration's mania for secrecy than the President's love of surprises. You can hold control in politics by keeping the audience in suspense, and the White House is a tempting stage.

In light of what has happened in the last year it is not entirely unfair to call the concern over secrecy a mania. A confrontation between President and Congress over public information was building up long before the newspapers printed the Pentagon papers. Would those papers have been published at all, if they had been sent up to Congress when they were requested a year ago? But now, when the FBI runs around giving lie detector tests throughout the government, and security clearances for defense contractors are canceled wholesale following publication of the Pentagon papers, you sense something like panic at the top.

As Congress resumes work, the Senate has in committee a number of bills to require disclosure of information by the executive branch and congressional participation in foreign policy decisions. There are four proposed bills to limit presidential war-making powers, all involving full disclosure of essential information. Just before the August recess began, GOP leaders of House and Senate endorsed the general thinking in these proposals, which should have alerted the White House to the temper of Congress.

## Sen. Cooper Sponsoring Bill to Require Regular CIA Reports

Also, Sen. Sam Ervin (D-N.C.) is holding hearings on a proposal to limit the use of executive privilege as a means of avoiding questioning or disclosure. And Sen. John Sherman Cooper (R-Ky.) has a bill to require regular reports to Congress by the Central Intelligence Agency. In the odd ways of politics, the CIA bill could eventually be the hardest for the White House to handle; it is simple, but it touches on many areas of secret government operations. One recalls that former President Harry S Truman wrote a plea on the front page of the Washington Post eight years ago for stricter discipline over the CIA and a curtailing of its functions. It was published a month after the murder of President John F. Kennedy, and thus had little attention; but it is being remembered now. Mr. Truman, it is also

walls come down. There is no mystery about that, except the mystery of human nature and personal dignity.

Congress may not have much stomach for it, but it is in a fundamental fight. Secrecy in one branch of government is essentially repugnant to the exercise of constitutional authority by other branches which have legitimate, defined roles in policy and operations.

Congress could help itself considerably by setting up a general staff to coordinate its overall understanding and oversight of the executive. But, in the long run, it will always have to force open a lot of doors and push its way into secret places where decisions are made. One never expects Congress to move

ances after the Pentagon papers furore has far on its initiative, but just now it is being produced dissension within the Pentagon pushed hard by an insensitive executive and in the defense industries. The surprise branch that loves surprises and loathes being surprised.

Last month, the FBI ranged through the government with polygraphs trying to trace the source of a news leak about arms talks proposals that had been outlined in secret papers the Administration's own security system did not protect; they were passed around in duplicate and triplicate in two departments. So, why the FBI probe? Secretary of State Rogers on Sept. 3 called the news leak a kind of "ooze" of information, adding: "Now, we want to stop that, you see. And I think the fact that this investigation has been conducted all over the government, not just in the State Department, will have that effect." That is why: intimidation.

## Committee Asked to See a Secret Military Aid Plan

Then, too, the Foreign Relations Committee asked to see a secret five-year military aid plan, preliminary to its approval of a two-year military aid bill. Defense Secretary Laird said there was no such plan. But at least one member of the committee knew there was, and knew it in some detail. Finally the President invoked executive privilege against its disclosure. To the Senate, it must seem that the principle operating here is "lie first, defy later." There is a sense of injury and insult in the Senate, and it is spreading to the House.

It is a safe guess that unauthorized disclosure of secrets will increase now, no matter what Congress does. The internal security efforts of the Administration amount to a man." Once such a principle is clearly understood in a large government, the security

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Approved For Release 2001/03/04 : CIA-RDP80A1601R000200140001-7

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The Washington Merry-Go-Round

# Lie-Detector Sleuthing Hardly New

By Jack Anderson

The FBI's use of lie detectors to locate news leaks may be upsetting to the New York Times. But for us, it's strictly routine.

Long ago, we became resigned to this sort of intimidation. We've counted as many as 12 FBI agents at one time searching for our sources. They've used not only lie detectors but third-degree methods and grand jury subpoenas.

The latest investigation was touched off, the press reported, by a New York Times account on July 22 of the secret U.S. position at the strategic arms limitation talks.

Actually, Attorney General John Mitchell began investigating news leaks last spring. He ordered the FBI, specifically, to find out who was slipping us Pentagon secrets often intended for the "eyes only" of the top brass.

Military gumshoes grilled suspects behind the doors of room 3E993 at the Pentagon. FBI agents followed up, flashing their credentials and asking terse questions. Lie detectors were used; some suspects were tailed; their neighbors were questioned.

At least one suspect, a mild, bespectacled Pentagon aide named Gene Smith, was badgered, threatened, cursed and, finally, subpoenaed to appear before a federal grand jury in Norfolk, Va.

But unhappily, the vaunted FBI had fingered the wrong

man. Smith denied under oath that he had given us so much as the time of day.

U.S. Attorney Brian Gettings admitted to us afterward that a "federal agency" had suggested he go after Smith.

## Triple Threat

With the publication of the Pentagon papers, Mitchell broadened his investigation of news leaks. Then, in July, the gumshoes moved into the State Department after the appearance of three more sensitive stories:

1. The New York Times account by William Beecher giving details of the U.S. bargaining position on arms limitation;

2. Another New York Times report by Tad Szule about arms shipments to Pakistan; and

3. A column by us quoting from a State Department message that had been hand-carried in a sealed envelope to U.S. AID Administrator John Hannah.

Were these news leaks prejudicial to the national interest," as State Department spokesman Robert McCloskey claimed? Or do government officials use the security stamp to cover up their mistakes and to manage the news for political purpose?

Let's take the message that was delivered to Hannah in a sealed envelope. This was a

hush-hush report from our Ambassador to Kenya, Robinson McIlvaine, on the high-jinks of the AID administrator in Kenya. It was classified,

we believe, solely to spare the involved officials from embarrassment.

But admittedly, the Pentagon investigation was triggered by our publication of sensitive information. We reported, for example, that Gen. Creighton Abrams, the U.S. commander in Vietnam, had been asked to draw up top-secret contingency plans last October for a three-day, seven-day or ten-day aerial assault upon North Vietnam. We revealed no military details, except that the contingency plans included the bombing and mining of Haiphong harbor.

Here was evidence that President Nixon was preparing plans to expand the war at the same time that he was promising to curtail it.

## Official Discrepancy

We also revealed that MAC-SOG teams, composed of U.S. special forces and South Vietnamese rangers, continued to operate inside Cambodia and Laos at the same time our spokesmen were claiming no American troops were in those countries. We cited secret messages, which referred to the Cambodian raids by the code name "Salem House" and

to the Laos raids as "Prairie Fire."

Perhaps the story that caused the most embarrassment (and produced the most intensive investigation) was our disclosure that the United States had been intercepting South Vietnamese President Thieu's private communications. These were picked up and decoded by the National Security Agency, then passed on to the White House and other agencies. The intercepted messages were identified by the code name "Gout."

This unpleasant revelation, no doubt was awkward for the United States. But we strongly believe that, in a democracy, the people have the right to know what their officials are doing. Since no military security was involved, we published the story.

For the same reason, we reported that Adm. Thomas Moorer, the Joint Chiefs' chairman, received a "Flash" message after the daring Son Tay raid informing him that the North Vietnamese prison compound hadn't been occupied for three months.

The real reason for the news-leak investigations, in our opinion is to scare government employees into silence so they won't give out information that their bosses don't want the public to know.

Bell-McClure Syndicate

## BEHIND THE FRONT PAGE

# Polygraphs Aren't Foolproof

By JOHN PENNEKAMP

LIE DETECTORS play a strange part in several phases of American life.

They are surfacing to national interest again in Washington where it was revealed last week that they were used by the FBI to question State Department officials.

The purpose was to try to find out where news leaked about the United States' position in arms bargaining with the Soviet Union, thus in effect providing a "tip off."

Even the most enthusiastic supporters of lie detectors (polygraphs) admit that they are not absolute; that the results are based on what the machines show, plus their interpretation by the examiner.

There are instances in primary cases where opposing results were presented, and in which a failure at one examination was wiped out by success at a subsequent one.

TESTS have had only widely scattered use in the courts and I know of no prime case in which such acceptance has been reviewed with final approval on appeal to higher courts.



Most examiners freely admit that the machines can be "fooled" by alcohol, drugs, spices, aspirin or even too many cigarettes.

Yet the instances of success, which are generally high under expertly trained examiners, keep them in operation with governmental agencies and with some businesses which use them in questioning prospective employees.

One expert, in admitting the prevailing margin of error, borrowed from a term made famous by Fiorello La Guardia when he was mayor of New York:

"When we make a mistake it usually is a honey."

POLYGRAPHS within the federal government got off to a bad start.

There were a lot of them and the examinations were conducted by men who, in many instances, were at least immature.

Some agencies held that an operator had to be at least 25 years old, but the Metropolitan Washington Police Department was allowing a 21-year-old policeman to conduct the tests. In the Coast Guard, the minimum age was 22. The CIA sought operators 30 or older.

Educational requirements also varied between high school graduates and those holding college degrees. Salaries also covered a wide range.

Currently in Washington there

are several examples of contest between the executive and legislative branches, with the judicial not too far in the outfield.

Should the polygraph return to the decision making levels in a finger pointing fashion, conceivably a legal ruling might give it a tenuous, but basic interpretation.

There is little chance of it being accepted with the assurance that has been won by fingerprinting, for instance.

THE POLYGRAPH appeals to the imagination of many who accept it as accurate, thus creating the viewpoint that those who refuse to submit voluntarily (a choice usually is given) are guilty of whatever form of misconduct is in question. By the same precept, those who demand a test get a plus mark.

But informed persons often refuse a test because they recognize the inherent weaknesses of the process.

Says a Dade County expert:

"Much of the success or failure of lie detection depends upon the subject who is taking the test."

"A person who is a pathological liar, or who has been drinking, or with an unbalanced or underdeveloped mind, is a poor subject."

"Persons of higher sociological levels are better subjects; usually conclusions reached in their cases are more often accurate."

BARRE, VT.  
TIMES-ARGUS

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## Trust The CIA?

It may be too serious a subject to laugh about, but it's terribly hard to resist the urge to smile.

First, we have some news about America's proposals which will be made to the Russians at the SALT talks being leaked to the press by an unidentified source.

Then the FBI sleuths, complete with tape recorders and lie detectors, invade the State Department, the Pentagon and even the White House to find out who did the talking.

If we can't trust the people at the State Department, the Pentagon and the White House, how do we know we can trust the FBI?

This may be a job for the CIA. — KLR

# Use of Lie Tests by FBI Reported in Capital News Leaks

BY ROBERT C. TOTH

Times Staff Writer

WASHINGTON--FBI agents have questioned State and Defense department officials—and reportedly some in the Central Intelligence Agency and White House—in search of news leaks in recent months.

At a press briefing Thursday, State Department spokesman Robert J. McCloskey was asked whether polygraph (lie detector) tests had been used in the investigation.

While confirming FBI activity at his and "other agencies," he declined to say what kind of equipment was used. Phone taps and the taking of affidavits normally would be used in such work.

The Associated Press reported that four State Department officials were given polygraph tests. The department refused to comment on the report.

#### None Disciplined or Reprimanded

No State Department official had been disciplined or reprimanded, McCloskey said. Other sources said all State Department personnel who were questioned had been cleared.

McCloskey indicated that the investigations began earlier this year and were still going on but he refused to pinpoint the number of subjects of stories under scrutiny as well as the number of personnel who came under suspicion.

It was learned, however, that while several earlier stories drew FBI interest—presumably at White House direction—the most intensive investigation began six weeks ago after publication by the New York Times of an article detailing this country's latest bargaining position at the secret strategic arms limitation talks with the Soviet Union.

This particular case may have a pedestrian and even bizarre explanation. About the time of the New York Times article, a top-secret document on the talks was distributed in considerable confusion within the State Department, informants said.

Some offices got two, even three, copies of the document, which should have received none. This ubiquitous document contained the

material that was published.

The investigation of this article, however, appears to be the broadest and deepest of its kind in at least a decade. The Kennedy and Johnson administrations both sought the source of news leaks from time to time but never in as sustained or exhaustive fashion as that begun after the July 23 story on the arms talks.

Use of the polygraph, if true, may be a precedent, although there were unconfirmed reports of the detector's use during the Eisenhower administration. The four officials subjected to the test, the AP reported, had all acknowledged talking to the writer of the New York Times article, William Beecher, but all denied giving him the information and were cleared by the device.

Beecher's story said U.S. negotiators had proposed a mutual halt in construction of land and submarine-based missiles and curtailment of antimissile deployments. The State Department termed the article at the time "A most unfortunate breach of security and violation of our understanding with the Soviet Union that neither side will discuss these talks while they are in progress."

#### Subjects Identified

State Department officials, beyond being investigated, also have been recently warned to be discreet in talking to reporters on particularly sensitive subjects, McCloskey said. He identified these as the arms talks, President Nixon's forthcoming trip to China, and temporarily on the Saigon deliberations on a one-man presidential election.

No written caution has been issued, McCloskey added. But he said he has urged officials to use "common sense" in discussing such topics.

The stories that have sparked investigations this year within the agencies have all been judged

"harmful to the national interest" by the department and the Administration, McCloskey said. They were unrelated to publication of the Pentagon Papers, informants said.

McCloskey emphasized that no attempt was being made to restrict the access of newsmen to officials. He noted that the department enjoys the reputation of being the most open foreign ministry in the world to the press and intends to remain so.

Informants said that, in addition to State and Defense department officials, certain CIA and White House employees had been questioned by FBI agents. They could not elaborate.

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# FBI Uses Lie Tests in Probe of Leaks

By Murray Marder

Washington Post Staff Writer

FBI agents used lie detectors to question State Department officials recently in an inter-agency investigation of news "leakage" of security information, it was established yesterday.

State Department press spokesman Robert J. McCloskey acknowledged at a news briefing that Justice Department agents investigated inside the State Department and "other agencies."

McCloskey said "this has happened from time to time ... when certain information is published" from unauthorized sources that is judged to be "harmful to the national interest."

This is the first time since the era of the late Sen. Joseph R. McCarthy in the early 1950s that such a practice in the State Department has come to public attention. Many State Department officials are themselves concerned about the intimidating effect of the procedure, and insist it is limited and is no revival of that inquisitional period in U.S. history.

McCloskey said in response to questions that State Department officials have been advised with renewed emphasis recently "to use their common sense and discretion" in talking with newsmen about sensitive security subjects. But he denied that any "written instructions" have been circulated to restrict press contact with officials.

"We are not trying to restrict access by newsmen," McCloskey said emphatically.

Reports and rumors of the investigations at State have spiraled behind the scenes, however, to the consternation of many ranking officials who are concerned that the inhibitions, real or exaggerated, will damage morale and operations.

McCloskey declined to discuss whether lie detectors, or polygraphs as they are technically called, were used at State. It was confirmed, however, that the instruments, which measure human reactions to questions, were employed in interrogations concerning dis-

tion about U.S. bargaining positions in the strategic arms limitation talks (SALT) with the Soviet Union, now underway in Helsinki, Finland.

Sources said that a relatively "small number" of employees were involved in the interrogations by FBI agents.

This group, it was said, in turn was narrowed down to a smaller number, "about three or four," it was claimed. They were reportedly asked if they would submit to the polygraph tests, "volunteered" to do so, and "came up clean," in effect apparently clearing the State Department of responsibility for the "leak" in this case.

The degree of voluntarism actually involved in such circumstances is often an open question, officials privately concede. Investigations of this kind often have a dual purpose -- to attempt to find the "leaker," and to serve as a warning to others.

McCloskey said in answer to questions, "We have cooperated with agents of the Justice Department who have undertaken investigations within the department at the same time that agents also were doing the same in other agencies of the government with reference to stories in which sensitive information was disclosed on an unauthorized basis.

"I am not in a position to get into detail on the anatomy of that kind of investigation" or the numbers of persons involved, he said.

McCloskey said these investigations have been conducted with the "full approval and concurrence" of Secretary of State William P. Rogers. Rogers is scheduled today to hold his first full press conference since June 15.

According to other sources, the latest investigation at State, involving the use of lie detectors, was touched off by a story on the nuclear arms talks in the New York Times of July 23 by William Beecher, the Times' Pentagon reporter.

The White House reportedly ordered a full-scale investigation, which spread to State. Top officials expressed indignation over what they called a disclosure of the U.S. position before it had been presented

to the Russians. At that time, State labeled the story "a most unfortunate breach of security."

A Defense Department spokesman declined to comment yesterday on investigations there, or to say whether lie detectors were used at the Pentagon. That practice is said to be more customary at the Pentagon than at State in the investigation of major news "leaks." Normally, the State Department uses its own security agents for such inquiries, officials said.

One administration source said earlier this week that disciplinary action has been taken over the news leak of U.S. proposals in the SALT talks, but he declined to specify the agency involved.

McCloskey told newsmen yesterday that, so far as he knows, the disclosure of the secret Pentagon history on Vietnam, starting in mid-June, was not the take-off point for the current investigating pattern.

A general tightening of access to security information has been evident in Washington for many months, newsmen noted. Officials attribute this to the unusual number of major diplomatic negotiations under way, including the new U.S.-China relations, the SALT talks and negotiations on Berlin, Vietnam and the Middle East. Lower-ranking officials have become doubly cautious about discussing anything.

McCloskey, deputy assistant secretary of state and special assistant to Rogers, is a veteran professional in the press relations field. He indicated yesterday that he had sought to forestall a wholesale tightening of information flow by officials overreacting to limitations on discussing especially sensitive subjects.

"In my experience," said McCloskey, "the policy of this department has been exemplary in terms of our (news) contact. I know of no foreign office in the world where the degree of access is comparable."

at State

State Department officials also know, however, that the department carries a special burden, a heritage of the loyalty-security investigations which decimated its experts. An unusually candid self-examination of the department last year by its own officials warned that the investigatory consequences of "McCarthyism on departmental thinking" only began to diminish "during the 1980s" and that even in the 1970s "some of the bitter taste lingers on, however, and still inhibits to some degree the expression of unorthodox views."

STATINTL

# Dossier on the

# CIA

by William R. Carson

For some time I have been disturbed by the way the CIA has been diverted from its original assignment. It has become an operational and at times policy-making arm of the government. I never thought when I set up the CIA that it would be injected into peacetime cloak-and-dagger operations. --ex-President Harry S. Truman.

NOTHING has happened since that pronouncement by the agency's creator in December 1963 to remove or reduce the cause for concern over the CIA's development. As currently organized, supervised, structured and led, it may be that the CIA has outlived its usefulness. Conceivably, its very existence causes the President and the National Security Council to rely too much on clandestine operations. Possibly its reputation, regardless of the facts, is now so bad that as a foreign policy instrument the agency has become counter-productive. Unfortunately the issue of its efficiency, as measured by its performance in preventing past intelligence failures and consequent foreign policy fiascos, is always avoided on grounds of "secrecy". So American taxpayers provide upwards of \$750,000,000 a year for the CIA without knowing how the money is spent or to what extent the CIA fulfills or exceeds its authorized intelligence functions.

The gathering of intelligence is a necessary and legitimate activity in time of peace as well as in war. But it does raise a very real problem of the proper place and control of agents who are required, or authorized on their own recognition, to commit acts of espionage. In a democracy it also poses the dilemma of secret activities and the values of a free society. Secrecy is obviously essential for espionage but it can be -- and has been -- perverted to hide intelligence activities even from those with the constitutional responsibility to sanction them. A common rationalization is the phrase "If the Ambassador/Secretary/President doesn't know he won't have to lie to cover up." The prolonged birth of the CIA was marked by a reluctance on the part of politicians and others to face these difficulties, and the agency as it came to exist still bears the marks of this indecision.

What we need to do is to examine how the U.S. gathers its intelligence, and consider how effective its instruments are and what room there is for improvement. Every government agency, including the CIA, the Director, acknowledged before the American Society

of Newspaper Editors, be supervised by the Central Intelligence Agency. The time is long past when the supervisory role of the CIA in the Central Intelligence War. Under this arrangement, the CIA administration of inquiry by its Director, and specifically requiring disclosure of titles, salaries and expenses of CIA; (ii) expectations on expel the Director's family without adverse effect on the Government; and the Government for staff abroad and their families; (iii) 1949 Central Intelligence Agency Director a license.

With so many operations is seen by many as a major cause of coups, in Guatemala (the Mossadegh coup), the Cuban Revolution (failure). The President Kennedy, on May 28, 1961, was heralded -- by the agency's "m...

representative of the unending gambitry and bigger... life human aspect of espionage and secret operations. At this level the stakes are lower and the "struggle" frequently takes bizarre and even ludicrous twists. For, as Alexander Foote noted in his *Handbook for Spies*, the average agent's "real difficulties are concerned with the practice of his trade. The setting up of his transmitters, the obtaining of funds, and the arrangement of his rendezvous. The irritating administrative details occupy a disproportionate portion of his waking life."

As an example of the administrative hazards, one day in 1960 a technical administrative employee of the CIA stationed at its quasi-secret headquarters in Japan flew to Singapore to conduct a reliability test of a local recruit. On arrival he checked into one of Singapore's older hotels to receive the would-be spy and his CIA recruiter. Contact was made. The recruit was instructed in what a lie detector test does and was wired up, and the technician plugged the machine into the room's electrical outlet. Thereupon it blew out all the hotel's lights. The ensuing confusion and darkness did not cover a getaway by the trio. They were discovered, arrested, and jailed as American spies.

By itself the incident sounds like a sequence from an old Peter Sellers movie, however, its consequences were not nearly so funny. In performing this routine mission the CIA set off a two-stage international incident between England and the United States, caused the Secretary of State to write a letter of apology to a foreign chief of state, made the U.S. Ambassador to Singapore look like the proverbial cuckold, the final outcome being a situation wherein the United States Government lied in public and was caught!

25 JUN 1971

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Approved For Release 2001/03/04 : CIA-RDP80-016



### Lie detector

Though their use has been sharply restricted since 1968, security-type federal agencies (NSA, CIA, etc.) still employ lie detector tests for job candidates.

Yesterday, Sen. Sam Ervin, D-N.C., the Constitutional Rights subcommittee chairman, put in a bill to ban the detectors -- "20th Century witchcraft" -- for both private and federal employment purposes.

"Ordeal by lie detector," he told the Senate, "should take its place in the historical junk heap beside the ancient ordeals by fire and water."

He told about a young veteran back from Vietnam with a

good military record, who applied for a local law enforcement job and was required to take a lie detector test.

"He was asked to provide the names of any girls with whom he had had sexual relations and when . . . whether he had ever tried marijuana . . . whether he dated very much.

"He was told there was nothing in the results of his test to disqualify him. He decided, on his own, not to take the job.

Later, he applied with the Metropolitan Police Force and was turned down. The department did not give him a polygraph test. An official referred to the test he had taken in connection with the other job.

"He then applied for a job with the Park Service of the Interior Department. There he was given extensive testing and psychiatric evaluation as part of the appointment process.

Again, someone apparently had access to the report on that lie detector test, for he was asked questions based on it, and, he was turned down. One official told him that his problem was that the department had too much information on him for the purpose.

At no point did any of these officials seek his excellent military record, or try to obtain the report of the secret clearance he had been given by the Army. Nor did they take into account the strenuous and stressful duties he had been assigned in combat in Vietnam."

And that's what happened to one veteran who "passed" a lie detector test.

Organization, Interpol, and International Bonding agencies) for the development, implementation, and financing of crop diversification programs, alternative employment opportunities for persons engaged in drug production and distribution, and methods of controlling the international traffic in drugs subject to abuse.

(3) COORDINATION OF FEDERAL, STATE, AND LOCAL PROGRAMS.—The Administrator shall prepare for the President a plan for the coordination of drug abuse cure and control programs among the various Federal agencies which carry out such programs, and between such agencies and State and local agencies which carry out similar programs, including—

(A) law enforcement programs of the Department of Justice, the Treasury Department, and of State and local governments;

(B) medical research and treatment programs of the Department of Health, Education, and Welfare, the Veterans Administration, the Office of Economic Opportunity, and of State and local governments;

(C) technological research conducted by the Department of Defense, the National Aeronautics and Space Administration, and of State and local governments;

(D) agricultural research and technical assistance programs of the Department of Agriculture, and of State and local governments;

(E) programs utilized to reach large numbers of potential drug abusers, including programs located in the Offices of Education and Child Development in the Department of Health, Education, and Welfare, in the Department of Defense, in the Department of Housing and Urban Development, in the Office of Economic Opportunity, and in State and local governments; and

(F) international programs developed or implemented by the Department of State or the Agency for International Development.

(b) Upon approval by the President of a plan submitted under subsection (a), the Administrator shall carry out such plan. The President shall take such administrative action, and shall submit to Congress requests for such legislation, as may be necessary to enable the Administrator to effectively carry out each such approved plan.

(c) The President shall transmit to each House of Congress each approved plan prepared by the Administrator and every six months after a plan is transmitted to Congress the President shall make a report to each House of Congress describing the activities undertaken pursuant to the plan and any revisions made in the plan.

(d) The Administrator may, from time to time, make recommendations to the President, with respect to—

(1) the expenditure of funds by Federal departments and agencies for programs related to drug abuse control, including, but not limited to, law enforcement, the fields of agriculture, education, training, health and welfare, defense, foreign affairs, commerce, border control, and manpower; and

(2) such additional, Federal, State, and local legislation as the Administrator deems necessary to further the purposes of this Act.

#### ADVISORY COUNCIL ON DRUG ABUSE CONTROL THROUGH LAW ENFORCEMENT

SEC. 7. (a) There is hereby established in the Authority the Advisory Council on Drug Abuse Control Through Law Enforcement, which shall be composed of the following members:

(1) the head of each Federal agency (or his designee), who is charged with the administration of any law or program involving drug education, treatment, or rehabilitation;

(2) five members appointed by the President of the United States from persons specially qualified by training and experience to

perform the duties of the Council, none of whom shall be an officer or employee of the United States; and

(3) the Deputy Administrator designated by the President as the Chairman of the Advisory Council on Drug Abuse Control Through Law Enforcement.

(b) Any member appointed pursuant to paragraph (2) of subsection (a) shall be appointed to serve for a term of six years. Any such member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall serve only for the remainder of such term. Members appointed pursuant to such paragraph (2) shall be eligible for reappointment and may serve after the expiration of

their terms until their successors have taken office. A vacancy in the Council shall not affect its activities.

(c) The Council shall meet at the call of its Chairman, but not less than four times during each twelve month period.

(d) It shall be the duty of the Council to consult with, advise, and assist the Administrator in the development and execution of programs under this Act involving or relating to the control of drug abuse through drug education, treatment, or rehabilitation.

(e) The Administrator of the Authority shall designate a member of the staff of the Authority to act as Executive Secretary of the Council.

(f) The Council shall submit a report to the President for transmittal to the Congress not later than January 31 of each year on the progress of the Authority toward the accomplishments of its objectives under this Act involving or relating to the control of drug abuse through drug education, treatment and rehabilitation.

(g) Members of the Council who are not officers or employees of the United States shall receive compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule, for each day they are engaged in the actual performance of their duties, including traveltime and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703, title 5, United States Code, for persons in the government service employed intermittently.

(h) The Administrator shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities.

Sec. 9. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. ERVIN:

S. 2156. A bill to protect the constitutional rights of citizens of the United States and to prevent unwarranted invasion of their privacy by prohibiting the use of the polygraph for certain purposes. Referred to the Committee on the Judiciary.

#### A BILL TO PROTECT AGAINST INVASION OF PRIVACY BY PROHIBITING LIE DETECTORS

Mr. ERVIN. Mr. President, I introduce, for appropriate reference, a bill to protect the constitutional rights of citizens and to prevent unwarranted governmental invasions of their privacy by prohibiting the use of the lie detector in certain instances. I ask unanimous consent that the bill be laid on the table for additional cosponsorship.

The new technology and the behavioral sciences hold out many new alluring devices which are supposed to help men obtain and measure the truth about other men.

Probably no instrument of modern times so lends itself to threats to constitutional guarantees of individual freedom as the polygraph, or so-called lie detector. Like the primitive tests of medieval times, this device, in the hands of unwise officials of the Federal Government and others, has been used to compel American citizens to disclose all manner of personal information. They have been compelled to disclose such information despite the guarantees of the first amendment which protect the rights of the individual to the privacy of his mind,

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Approved For Release 2001/03/04 : CIA-RDP80-01601R000200140001-7  
CONGRESSIONAL RECORD -- SENATE

S 9878

June 24, 1971

ers against being compelled to submit to lie detector tests.

"The problems posed by the use of lie detectors are but one aspect of the invasion of privacy in America, the study declared. "Clearly, this is cause for alarm."

The study of lie detectors was the first in a series that the Maritime Trades Department is planning to conduct in the area of invasions of privacy. Future plans of the study committee call for analyses of electronic surveillance and the indiscriminate gathering and dissemination of personal information by credit bureaus.

## EXHIBIT 3

## TWENTIETH CENTURY WITCHCRAFT--THE LIE DETECTOR

(Address by U.S. Senator SAM J. ERVIN, JR., before the Greensboro Bar Association, Greensboro, N.C., on Nov. 16, 1967)

I want to discuss with you tonight the constitutionality of the Federal Government before the Greensboro Bar Association, citizens.

Throughout human history, from the dawn of civilization, men have sought to distinguish the real from the unreal, fact from fiction, truth from lies. As Cicero wrote "Our minds possess by nature an insatiable desire to know the truth."

It is to this end that men and societies have applied vast resources of intellect and strength to developing institutions and devices for divining the truth.

As lawyers, we are well aware of the ancient function of the jury to find the facts, to distinguish truth from untruth. And we know the dangers to a client's liberty of false evidence. We have seen the daily invention of new ingenious scientific and laboratory methods of judicial proof. So we are familiar with the laws of probability.

As citizens and as members of a profession which has a duty and obligation to pursue the truth and to facilitate other men's search for it, we have a special interest in some of the ways Federal officials seek truth.

The poet Keats said:

"Beauty is truth, truth beauty,

"That is all—

"Ye know on earth, and all ye need to know."

But man's search for truth is not always beautiful. In some agencies of the Federal Government, and elsewhere, man's desire to know all the truth from employees and applicants can be downright ugly.

I want to read you some typical complaints from law-abiding Americans who have encountered this device.

RECEIVED FROM AN APPLICANT AT THE NATIONAL SECURITY AGENCY

"When I graduated from college in 1965, I applied at National Security Agency. I went to 2 days of testing, which apparently I passed because the interviewer seemed pleased and he told me that they could always find a place for someone with my type of degree.

"About one month later, I reported for a polygraph test at an office on Wisconsin Avenue in the District or just over the District line in Maryland. I talked with the polygraph operator, a young man around 23 years of age. He explained how the machine worked, etc. He ran through some of the questions before he attached the wires to me. Some of the questions I can remember are—

"When was the first time you had sexual relations with a woman?

"How many times have you had sexual intercourse?

"Have you ever engaged in homosexual activities?

"Have you ever engaged in sexual activities with an animal?

"When was the first time you had intercourse with your wife?

"Did you have intercourse with her before you were married? How many times?"

"He also asked questions about my parents, Communist activities, etc. I remember that I thought this thing was pretty outrageous, but the operator assured me that he asked everybody the same questions and he has heard all the answers before, it just didn't mean a thing to him. I wondered how he could ever get away with asking a girl those kind of questions."

"When I was finished, I felt as though I had been in a 15 round championship boxing match. I felt exhausted. I made up my mind then and there that I wouldn't take the job even if they wanted me to take it. Also, I concluded that I would never again apply for a job with the Government, especially where they make you take one of these tests."

RECEIVED FROM A FOREIGN SERVICE OFFICER

"I am now a Foreign Service Officer with the State Department and have been most favorably impressed with the Department's security measures.

"However, some years ago I was considered for employment by the CIA and in this connection had to take a polygraph test. I have never experienced a more humiliating situation, nor one which so totally violated both the legal and moral rights of the individual. In particular, I objected to the manner in which the person administering the test posed questions, drew subjective inferences and put my own moral beliefs up for justification. Suffice it to say that after a short time I was not a 'cooperative' subject, and the administrator said he couldn't make any sense from the polygraph and called in his superior, the 'deputy chief.'

"The deputy chief began in patronizing, reassuring tones to convince me that all he wanted was that I tell the truth. I then made a statement to the effect that I had gone to a Quaker school in Philadelphia, that I had been brought up at home and in school with certain moral beliefs and principles, that I had come to Washington from my University at the invitation of the CIA to apply for a position, not to have my statements of a personal and serious nature questioned not only as to their truth but by implication as to their correctness, and that I strongly objected to the way this test was being administered.

"The deputy chief gave me a wise smile and leaning forward said, 'Would you prefer that we used the thumb screws?' (1) I was shocked at this type of reasoning, and responded that I hardly thought it was a question of either polygraph or the thumb screws.

"This incident almost ended the deep desire I had for service in the American government, but fortunately I turned to the Foreign Service. But if it happened to me it must have happened and be happening to hundreds of other applicants for various Federal positions."

RECEIVED FROM THE WIFE OF AN APPLICANT AT GENERAL SERVICES ADMINISTRATION

Her husband applied to the General Services Administration for a position as Operating Engineer. General Services Administration advised him that there was such a position open in the Public Building Services of the National Security Agency at Fort Meade, Maryland. During an interview at the National Security Agency he was advised that the position required security clearance and was called upon to furnish normal security type information about himself. He provided all papers and information required.

Her husband was then directed to report to the National Security Agency for a polygraph test.

Many questions were asked of him before the polygraph was applied. The questions were of such a nature that he became angry, incensed and emotionally upset. He was in this state when the polygraph was actually applied.

None of the questions asked were concerned with his loyalty to the United States, his religious beliefs or political affiliation. A number of questions asked pertained to his sex habits. Mr. \_\_\_\_\_ told his wife following the test that he felt too humiliated and so degraded by the questions and the manner in which they were placed by the operator that he didn't care whether or not he secured the position. He told his wife that if truth in answering the questions was the criteria he was fully confident he did pass the test. The polygraph operator told him at the time of testing that he, the operator, would determine the outcome of the test.

In an attempt to be 100% sure that an applicant or employee is not lying, officials of some agencies strap him to a lie-detector machine—a polygraph. They hook up wires and tubes to him which are supposed to register his respiration, blood pressure and pulse rate. Electrodes are attached to his hand to measure the "galvanic skin response"—the flow of electric current across his skin as sweating increases. When the subject is asked a series of questions, his physiological responses are recorded on a moving sheet of graph paper by three pens. This explains the name of this instrument, since "polygraph" was the Greek word for "many writings."

## USE OF POLYGRAPH INCREASING

This is no minor problem, for the use of the polygraph is increasing. From an investigative tool in law enforcement work, its use has been extended for other purposes into private and public employment. Although it was developed in 1921, only in the last 15 years have employers come to rely on the polygraph to test the honesty of employees already on the payroll. When labor unions began complaining that a man's failure to pass a polygraph was not a just cause for dismissal, many employers began using polygraphs to screen applicants instead, on the ground that these people had no way of challenging the instrument or the findings.

According to a recent estimate, approximately 3,000 polygraph operators are giving between two hundred thousand (200,000) and three hundred thousand (300,000) tests yearly in the United States.

In the Federal Government alone, a House Subcommittee found that 19 agencies gave 19,000 lie-detector tests in 1963. These figures did not include around 9,000 tests administered by the Central Intelligence Agency and the National Security Agency.

Proponents of polygraphs justify their use because of some findings and assumptions that:

Lying leads to conflict;

Conflict causes fear and anxiety;

This emotional and mental state causes physical changes that can be accurately recorded and measured by the polygraph; and

The operator by studying these reactions, can tell whether the subject is being deceptive or truthful.

The truth of the matter is, as the House Government Operations Committee recently reported:

"There is no 'lie detector,' neither machine nor human. People have been deceived by a myth that a metal box can detect truth or falsehood."

## NORTH CAROLINA RULING

The Supreme Court of North Carolina in *State v. Foye*, 254 N.C. 704 (1961) listed a number of reasons for failure of the courts in this country to accept lie-detector evidence as a reliable and accurate means of ascertaining truth or deception. It found these overwhelming obstacles to acceptance of the polygraph, the court said, "notwithstanding its recognized utility in the field of discovery and investigation for uncovering clues and obtaining confessions."

In an article in the American Bar Association Journal several years ago, Professors Juh-

STATINTL

The Federal Diary

# NSA 'Interview' Dwells on Sex Life

By  
Mike  
Causey

Lean back in the chair. Relax. Don't fiddle with the lie detector wires. Concentrate on the ceiling and tell the strange man about your sex life. Please supply names and addresses of references.

The above is not the opener in an X-rated film about the future. Rather, it is the pre-employment "interview" a young college student says he underwent this month at the National Security Agency, the super-secret, code-making, code-breaking civil and military communications unit headquartered at Ft. Meade, Md.

The job candidate, who has complained to the Senate Constitutional Rights Subcommittee, says the NSA "interview" took place in a small room with a mirror on one side. He says he was told he could be observed and photographed through the mirror.

With him in the room was an NSA employee, who operated what was said to be polygraph (or lie detector) machine. The "interview" took about three hours, and this is part of what the student says he was asked:

- Are you a Communist?
- Have you had any employers not listed on the application?
- Have you ever been court-martialed?

- Have you ever taken drugs of any kind?
- Do you know the meaning of terms such as "fellatio."
- Give the names and addresses of at least one person you've had sexual relations (of some kind) with.

And so forth.

The idea, the interviewer said, was not to pry but to find out how "honest and truthful" he could be with the government.

The Subcommittee says that each year NSA and its counterpart, the Central Intelligence Agency, give about 9,000 lie detector tests. Not all of them are like the particular interview described, of course, but it's enough to make one wonder what sort of political and romantic data the agencies come up with.

One who wonders is Sen. Sam J. Ervin Jr. (D-N.C.). Next week, he will introduce a bill that would outlaw all employee lie detector tests (18 agencies are now said to use them), and also bar them in businesses involved in interstate commerce. His bill reportedly provides no exemptions for the NSA, CIA, Atomic Energy Commission, State Department or others who now find them necessary for some in-house probes.

Somebody has suggested that when administration witnesses testify on (and against) the new Ervin bill, that they be strapped to lie detector machines first, just to determine how "honest and truthful" they can be with the government.

Away From It All: General Services Administration's top regional officials and local

brass are spending a five-day weekend in Virginia Beach.

The conference at the Cavalier Beach Hotel, complete with wives and families, is to exchange ideas and come up with new ways to serve the government better and, uh, cheaper!

Everybody Hoodwinked: American Federation of Government Employees says just about everybody is being had, financially, under a new government scheme to raise college graduates' starting pay. Civil Service Commission is planning to boost beginning salaries for college people nearly \$1,500 a year by upgrading job classifications to GS 7, which pays about \$8,500 a year.

AFGE president John F. Griener says the upgrading proposal would mean \$12.5 million a year more for about 10,000 new workers. But he says it would actually cost rank-and-filers \$250 billion next year.

AFGE statisticians figure the loss would come about because the college upgrading would transfer five professional job classifications out of the GS 5 level to GS 7. Government salaries are based on studies of private industry pay, and AFGE says the "upgrading" would change the guideposts used and result in lower salary recommendations for government people next January.

# Lie-Detector Ban Proposed By Sen. Ervin

By FRANK VAN RIPER

Washington, June 15 (News Bureau)—Branding lie-detectors a form of "Twentieth Century

witchcraft appropriate for a police state," Sen. Sam J. Ervin (D-N.C.) said today that he will seek to prohibit the federal government and private industry from using the machines to screen job applicants.

Sam J. Ervin, chairman of the Senate Constitutional Rights subcommittee and a staunch defender of individual liberties, declared in a speech here that the lie-detector, or polygraph, is "one of the most pernicious of all the pseudo-scientific instruments of the Twentieth Century soothsayers."

He said that the machines, which measure an individual's involuntary responses to questions, "are an unconstitutional means of obtaining the products of men's minds for employment purposes."

## He'd Ban It Wholly

"I intend to introduce a bill to ban the use of the lie-detector on applicants and employees of the federal government, and its use on applicants and employees of private businesses engaged in interstate commerce," Ervin told a People's Forum on Privacy sponsored by the AFL-CIO Maritime Trades Department and the Transportation Institute.

Aides to Ervin's subcommittee cited a 1965 House study as perhaps the only definitive word on how extensive is the government's use of polygraphs. That study revealed that both the Central Intelligence Agency and the National Security Agency use polygraphs to screen job applicants.

But the Army was cited then as the heaviest government user of lie-detectors, conducting more than 12,000 of approximately 20,000 tests conducted by federal departments and agencies in 1963.

Besides screening prospective employees, the House report noted, 19 federal agencies permitted the use of polygraph tests for "security matters," investigation of information leaks, and searches for criminal misconduct. The '65 report said that the Federal Bureau of Investigation, for example, conducted 2,314 polygraph tests in '63.

Despite the government's apparent reliance on polygraph information, the House report concluded, "There is no lie-detector, either machine or human."

"People have been deceived by a myth that a metal box in the hands of an investigator can detect truth or falsehood," the report declared.

STATINTL

CHICAGO, ILL.  
NEWS

E - 456,183

MAY 15 1971

Religion

## James H. Bowyman

### Gets religion through plants

Cleve Backster, a New York lie-detector expert, was an agnostic in religious matters until he found out how his plants got happy when he was happy.

"I was setting up a surprise party for a friend of mine in Clifton, New Jersey," Backster said this week at a meeting of the Spiritual Frontiers Fellowship.

"I charted my every movement as I shepherded the man to the party, noting the times when everything happened."

Meanwhile, back in Manhattan, the plants sat in Backster's laboratory covered with lie-detector electrodes — not just any plants, but Backster's plants.

"Every step of the way, the plants (through a graph) registered reaction to what I was experiencing," Backster said. "When we shouted 'surprise' in Clifton, the marker went off the chart in Manhattan."

AND THAT was when the 45-year-old Backster, now 47, reached back 14 years to the days when he attended a Presbyterian Sunday school run by his father — and rediscovered spirituality.

"I had believed science when it debunked prayer. I thought it (prayer) was self-hypnosis," said the former U.S. Army and Central Intelligence Agency employe.

But when the plants in Backster's laboratory showed these and other symptoms that demonstrated the power of mind over matter, often under planned experimental conditions, Backster got religion.

"I held a match to a leaf (attached to a graph chart) intending to burn it, and the leaf went into a state of shock. Then I got some idea of how pure thought can change things."

"If that plant was so attuned to me as far away as Clifton, then what about the power of prayer? Once you respect the vehicle of prayer (pure thought), the rest is easy."

Backster spoke at the annual national meeting of the Spiritual Frontiers Fellowship, a 14-year-old group of believers who want churches to rediscover their heritage of para-psychological phenomena.

The fellowship met at the Chicago Temple, First United Methodist Church in the Loop and at the Bismarck Hotel. It consists almost entirely of firm believers in ESP, reincarnation, faith healing and other signs of the supernatural.

BACKSTER HAS BEEN WORKING with polygraphs (lie detectors) since World War II. His curiosity led him five years ago to attach one to a plant he was watering, to see how fast the water rose in the stem.

He found a polygraph reaction by the plant similar to the human emotion that a polygraph measures when it shows whether a person is telling the truth or not.

This plant practically jumped for joy as the water rose in its stem. Since then, he has seen plants "faint" at the approach of a hostile person such as Backster acquaintance who regularly destroyed plants.

He has measured plants' response — under carefully arranged laboratory conditions — to the sudden violent death of brine shrimp plunged into simmering water.

He usually talks to scientists. In fact, one of his goals is to convince them of things like the power of prayer by describing the connections he has discovered between spirit and

But "proving" prayer and the life of the spirit in order to convert the sceptical scientific mind — isn't that giving up the argument?

ISN'T FAITH SOMETHING that by its nature cannot be proven? Isn't the supernatural by definition something that goes beyond natural, i.e. scientific explanation?

"Well, a little proof can get you on your course," says Backster. "A little nudge can help."

What hasn't helped, he said, is organized religion. Nothing has done more to interfere with "high-level spirituality" he said, adding that "It doesn't have to be that way."

# Sam Ervin and The Privacy Invaders

STATINTL

by James K. Batten

If anyone had suggested a few years ago that Sam J. Ervin Jr. of North Carolina would be remembered as one of the Senate's most effective modern-day guardians of civil liberties, the very idea would have been hooted down. Except, of course, by white Southern segregationists, who were mighty impressed with the way Ervin was standing up for *their* notions of liberty.

In those days, Ervin's national reputation, to the extent that he had one, was as a tenacious battler against civil rights bills. Behind a desk piled high with law-books, he would spend hours on the Senate floor inveighing against the wickedness of guaranteeing Negroes in the South the right to vote or buy a hamburger. Unlike the Eastlands and the Thurmonds, Ervin always couched his elaborate arguments in terms of constitutional law, not white supremacy. But those who noticed the difference — not many did — usually assumed that Ervin's racism was simply less blatant.

Today, as chairman of the Senate subcommittee on Constitutional Rights, Ervin has emerged as the nation's best-known defender of the citizen's right to be let alone.

It's an opportune time for somebody to play that role. The late 1960s and early 1970s have witnessed the most insidious proliferation of government snooping and spying on ordinary Americans in the history of the republic. Ervin and his subcommittee have helped ventilate that scandal, most recently through a series of hearings that focused on the Army's surveillance of civilians — or "persons of interest," in the military's Kafkaesque phrase. Over the past five years, the Ervin subcommittee was told, more than 1500 plainclothes Army agents were spying on all sorts of civilian political activity. Military spooks were on the floors of the Republican and Democratic national conventions in 1968, in the tents of Resurrection City, in black studies classes at New York University, on buses and trains bringing demonstrators to march on the Pentagon. Information on the political beliefs and activities of millions of Americans was fed into a computerized data bank at Baltimore's Fort Holabird, headquarters of the Army Intelligence Command, and into other military computers and secret files around the country.

Ervin, a 74-year-old conservative Democrat from the mountains of North Carolina, is indignant about these revelations: "This has all the trappings of a police state in its worst form. We are in an era where fundamental liberties are very much imperiled." The Pentagon insists that all improper domestic spying has ceased, but Ervin is not so sure. He certainly is not willing to rely on "self-discipline on the part of the executive branch" — the remedy urged on the subcommittee by Assistant Attorney General William H. Rehnquist — as sufficient safeguard against future abuses by military or civilian snoopers.

If Washington's and the nation's perceptions of Sam Ervin have changed dramatically, the man himself has changed very little.

He arrived in the Senate in 1954 after a long career in North Carolina as a prominent lawyer and judge and immediately became embroiled in two benchmark controversies. One was school desegregation. The month before Ervin was appointed to succeed the late Clyde R. Hoey, the Supreme Court had handed down the *Brown* decision. Ervin, fresh from the bench of his state's supreme court, promptly became the intellectual leader of the Southern bloc's resistance to that decision in the Senate. The other was the censure of Senator Joseph McCarthy. Then-Minority Leader Lyndon Johnson put Ervin on the Senate's select committee appointed to deal with McCarthy, and the more he learned first-hand about the tactics of the senator from Wisconsin, the greater his revulsion. Ervin became a strong proponent of censure, declaring in a memorable floor speech: "The issue before the American people is simply this: does the Senate of the United States have enough manhood to stand up to Senator McCarthy?"

In the years that followed, however, Ervin the Claghornian segregationist with the constitutional flourishes drew most attention. Ervin, the man of deeply rooted libertarian instincts, went generally unnoticed. But in 1961, Ervin succeeded the late Thomas C. Hennings of Missouri as chairman of the Judiciary Committee's Subcommittee on Constitutional Rights. Soon he was poking around in a variety of dusty corners, asking questions about the rights of Indians, the mentally ill, indigent criminal defendants and enlisted men.

M - 42,069

S - 72,623

MAY 6 1981

# Credibility Gap's Birth Trace

## Official Lies' Now Expected

By WALLACE BEEFNE  
Special To The Star

Eleven years ago this week, the credibility gap was born.

Today it is a fact of life — no thinking person can still believe the United States Government doesn't lie.

This turning point in the ethics of American history began on May 2, 1960, when the information office at Incirlik AFB, Adana, Turkey, issued a brief release: A weather reconnaissance plane of the U-2 type had vanished the day before on a routine flight over the Lake Van area of Turkey.

The release added that a search had been launched, and the radio contact with the pilot — identified only as a civilian employee of Lockheed Aircraft — indicated he was having problems with his oxygen equipment.

As a newsman working in Germany at the time, this correspondent gave the release only cursory attention. Having visited the air base at Adana several times, I was aware that U-2 "weather planes" were stationed there, so there was no reason for questioning the story.

No doubt the release was read with considerably more interest by the editors of Pravda and Izvestia.

A day or so later, the Air Force issued a second release: Because of the circumstances surrounding the disappearance of the plane, NASA was grounding all U-2 aircraft to check the oxygen equipment.

### Summit In Paris

But there was

was looking forward to the May 15 summit conference between President Eisenhower and Khrushchev in Paris. My assignment was to spend the week in Moscow covering the reaction to the talks, and my visa was approved without hesitation.

Then came the bomb: Speaking to the Supreme Soviet in Moscow on May 5, Khrushchev suddenly departed from his routine report and thundered "Comrade Deputies! Upon the instructions of the Soviet government, I must report to you on aggressive actions against the Soviet Union in the past few weeks on the part of the United States of America.

"What were these aggressive actions? The United States of America has been sending aircraft that have been crossing our state frontiers and intruding into the airspace of the Soviet Union . . . Therefore we must act — shoot down the planes! This assignment was fulfilled — the plane was shot down!"

(Stormy, prolonged applause. Shouts "Correct!" and "Shame to the Aggressor!")

As the shock wave rippled across the news wires of the world, in Washington a NASA spokesman conceded that the missing U-2 might have strayed across the Soviet border while the pilot — listed as Francis Gary Powers — was unconscious.

### An Accident

On May 6, the State Department reported, "An unarmed U-2 weather reconnaissance craft of the National Aeronautics and Space Administration might have crossed the Soviet

Lincoln White, the State Department spokesman, stated, "There was absolutely no deliberate attempt to violate Soviet air space, and there never has been."

The statement was duly published in the American press, along with irate statements from certain congressmen castigating the Soviets for shooting down an unarmed plane.

One British journalist called a top State Department official for an off-the-record statement and was told "Utterly fantastic! Take one technical point alone: the single-engine U-2 has a range of only 2,500 miles — not 4,000 as Khrushchev's fantastic tale implies."

And the State Department even went so far as to send the Russians a formal note of protest and inquiry regarding the fate of the pilot — the pilot presumed dead.

Then on May 7, Khrushchev dropped the other shoe.

Addressing the Supreme Soviet again, Khrushchev explained, "I did not say the pilot was alive and in good health, and that we have parts of the plane. We did so deliberately, because had we told everything at once, the Americans would have invented another version."

### Sharing In A Lie

It was only then, the newsmen discovered, to their horror and indignation, that they had been participating in a lie. They had believed what they had been told, and so, presumably, had President Eisenhower.

Secretary of State Christian Herter insisted the President had believed that what he had stated, the U-2 had probably

made an "information-gathering" flight over Russia, but "there was no authorization for any such flight."

Again the press accepted the word of the government, although it was now obvious that someone had sent Powers aloft, quite willing if he were downed (after he had demolished the plane and killed himself with his poison needle) to let America believe that Moscow was the real aggressor.

James Reston of the New York Times noted, "As to who might have authorized the flight, officials refused to comment. If this particular flight of the U-2 was not authorized here, it could only be assumed that someone in the chain of command in the Middle East or Europe had given the order."

Behind the scenes, CIA chief Allen Dulles met with President Eisenhower and offered to resign on May 9 to save the government further embarrassment.

Khrushchev had left President Eisenhower an opening by indicating the deed may have been done without the President's knowledge, and Press Secretary James Hagerty was quoted as saying "in his opinion" he didn't think President Eisenhower had been aware of the mission.

### Hopeless Situation

But the situation was, hopeless. On May 11 President Eisenhower admitted that he had personally approved the flights because espionage was "a distasteful but vital necessity."

And amid the shambles, both Herter and Vice Presi-

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continued

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17 APR 1971

The Washington Weekly-Dispatch

**CIA Plot to Bust Cuban Refinery***By Jack Anderson*

The full, fantastic story of the Bay of Pigs has been buried for 16 years deep in the Central Intelligence Agency's fortresslike headquarters near Langley, Va.

All the world knows that CIA-trained Cuban exiles stormed ashore on a Cuban beachhead and were cut to pieces by Dictator Fidel Castro's militiamen 10 years ago today. But the CIA has concealed from the world how it continued to send assassination teams and commando squads against Castro.

Bit by bit, stories of these post-invasion sorties are leaking out. We have already read, for example, how the CIA used a swashbuckling underworld figure, John Roselli, to make six unsuccessful assassination attempts upon Castro.

The CIA assigned two trusted agents, Billy Harvey and "Big Jim" O'Conor, to direct the murder missions. On the first two tries, Roselli's assassins sought to slip poison pellets into Castro's food. The next four attempts were made by sniper teams equipped with high-powered Belgian rifles, explosives and two-way radios.

There were midnight power-boat dashes to secret landing spots on the Cuban coast and machine-gun exchanges in the dark of night with Cuban patrol boats. The last assassi-

nation team actually reached a Havana rooftop within rifle range of Castro. But like the others, this squad also was caught and tortured.

**Refinery Raid**

Now we have learned of a CIA plot to blow up Cuba's most productive oil refinery. Painstaking preparation was made, and a commando team was given intensive training.

Using U-2 photos so detailed that they showed every bush, Maj. Edward Roderick, an Army engineer on loan to the CIA, constructed a mockup of the plant. He even figured out how mortars could be pre-aimed, then placed by commandos in a precise spot and fired on the run.

But he jettisoned the idea because a human error of an inch or two could send a mortar shell into an inhabited area. Then the whole plan was junked after President Kennedy's assassination.

We have also learned that the CIA scattered \$20 bills around like green confetti to finance the clandestine anti-Castro operations. Bales of money were delivered to Cuban exile leaders, who gave no accounting of how they spent it.

Some were stashed by men since killed. Other thousands were buried in former pirate lairs in the Florida Keys. Still more thousands were strown on the beaches of Cuba where would-be raiders left their bones.

Yet some of the raiders survived. One of them, a young ex-Army captain named Brad Ayers, has emerged from secret operatives: the cover under cover. He has given us John Roselli, rugged Bill Harvey, "Rip" Rutherford and a and draft chapters of a book he is writing about his raids for the CIA.

"The Cuban explosives," he told us, "has been a plague on the national conscience as it has been on mine. I think it's high time that at least part of the story be told."

**CIA Assignment**

A former paratrooper, pilot and demolitions expert, Captain Ayers was leading raiders at Eglin Air Force Base, Fla., when he received orders to report to the agency's Special Activities Group in Washington.

He was put through physical, psychiatric and a doctor examinations for a week, then he was hustled over to the CIA's Cuban station.

He was questioned for three days by CIA officials who, finally satisfied, provided him with a cover story, phony documents and a ticket to Miami. He adopted the name Daniel B. Williams and was assigned to a CIA front called Paragon Air Service.

The CIA lodged Ayers and Roderick in a pleasant beach house in Key Biscayne. The two undercover agents men worked out of a CIA front—collected building with the cover name of Zenith Technical Enterprises—on the south.

Through its doors passed some of the nation's most secret operatives: the cover huge New Mexican who is remembered only as "The Big Indian."

Ayers got the assignment of training a tough Cuban cadre in the swamps of the Everglades and the beaches of the Keys. He was supposed to teach them enough survival skills, underwater swimming, demolition, boat handling and simple survival for them to lead commandos into Cuba to blow up the multi-million-dollar refinery.

The story of their night landing in Cuba and the great oil refinery fizzie will be told in a future column.

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APR 16 1971

## Court Checks Nixon On Wiretaps

The courts have served notice the Nixon administration has no authority to ignore the Fourth Amendment in the name of expediency, a fact which should have been amply evident to the Justice Department and the President.

The Sixth US Circuit Court of Appeals in Cincinnati upheld the protection of all citizens against unreasonable searches and seizures when it rejected evidence obtained through wiretapping without a court order. The use of electronic surveillance of private citizens has grown alarmingly during the present administration. It is good the court called a halt.

At issue was the case of a man accused of involvement in the bombing of a Central Intelligence Agency office in Ann Arbor, Mich., in 1968. Federal wiretaps were used to gather evidence against him, without prior recourse to court orders to determine whether such action was reasonable search.

The appeals court declared it was not, that it violated the Fourth Amendment. If the Fourth Amendment's protection are to have any meaning, they must apply to all — radical or any other citizen. To permit the expediency of internal security to override this constitutional protection would lay

every citizen open to government snooping with only the government in the role of judge as to whether the invasion of privacy was legal.

The President has no authority to bypass the courts and order wiretaps on domestic groups suspected of being a threat to the country, the court ruled, and thereby it set down claims by the Nixon administration that in certain cases the safeguards of the Fourth Amendment may be overridden.

The court's ruling should constitute an ultimatum to the Justice Department as to the use of wiretapping.

It is not up to the President, as the government argued, to suspend the Constitution whenever he determines it interferes with guarding internal security against certain individuals or groups. If he can arrogate that kind of power to himself, what is to stop him from suspending any or all of the Constitution's protections?

This nation and its institutions are not so fragile they cannot survive without resorting to unconstitutional security methods. The day these become commonplace, the country will be in worse jeopardy than from any subversive factions to which it overreacts.